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NOMINATIONS FOR SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF EMMET G. SULLIVAN, COLLEEN C. KOLLAR-KOTELLY, RUFUS G. KING III, SUSAN R. HOLMES, NOEL A. KRAMER, ROBERT I. RICHTER, AND ROBERT S. TIGNOR, TO BE ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SEPTEMBER 11, 1984

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NOMINATIONS FOR SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

TUESDAY, SEPTEMBER 11, 1984

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The committee met at 9:30 a.m. in room SD–342, Dirksen Senate Office Building, Hon. Charles McC. Mathias, Jr., presiding.

Present: Senators Mathias and Sasser.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The committee will come to order. I want to apologize for starting a few minutes late. It's a bad example to set for new judges, who should always start their court on time, but I want to tell you that it was not because my speech was too long this morning. I was late because other peoples' speeches were too long this morning. I plead that in mitigation, if not as a complete excuse.

This morning, the committee will hear testimony on seven nominations to the District of Columbia Superior Court.

During the last several years, the workload has increased at superior court, resulting in a substantial backlog which has grown by leaps and bounds. Under the leadership of Chief Judge Moultrie, the court has taken every administrative step that I think it could reasonably take to ease the workload.

In addition, the Congress has authorized the establishment of a hearing examiner program to eliminate the necessity that judges preside over some proceedings in which nonjudges could be substituted.

But in spite of all of these and other efforts, it is clear that the court needs additional judges. So in March of this year, the Congress enacted, and the President approved, legislation which increased the complement of the superior court by seven judges.

These are the judgeships that are before the committee today.

On July 17, President Reagan nominated the following members of the Bar of the District of Columbia to be associate judges of the superior court: Susan Rebecca Holmes; Rufus Gunn King III; Colleen Kollar-Kotelly; Noel Anketell Kramer; Robert Isaac Richter; Emmet G. Sullivan; and Robert Samuel Tignor.

I would take this opportunity to thank every one of the nominees for the cooperation that you have given to the members of the committee and to the members of the committee staff in the preliminary stages of this confirmation proceeding.

The nominations have been the subject of a very careful review. In 1978, the committee adopted rule 8, which contains the requirements which must be met on all confirmations. This requires that the committee conduct an inquiry into a nominee's experience, qualifications, suitability, and integrity to serve in the position for which he or she has been nominated.

We believe that this rule ensures a thorough and yet a reasonable review of the nominee's background and qualifications. I will take the time to very briefly recount for the record the steps that the committee has taken on these nominations prior to our hearing today.

First, the nominees have been asked for and supplied detailed information on education, employment, professional achievements, and of course, in addition, complete financial statements.

The financial statements and biographical information on each nominee are available for inspection by the public in the committee office. In addition, the biographical information on each nominee will be placed in the record as a part of this hearing.

The committee reviewed the nominees' biographical and financial information as well as reports submitted on each nominee by the Office of Judicial Ethics. Following that, acting as the chairman of the subcommittee, I reviewed the FBI reports prepared on each nominee which have also been reviewed by the ranking minority member, the Senator from Missouri, Mr. Eagleton.

Finally, each nominee was individually interviewed by designated committee staff members who then submitted a report to the members of the committee which contained all the relevant information concerning each nominee's qualifications.

I expect that the committee will act very expeditiously upon the conclusion of this morning's hearings. I would say that I hope we can complete the hearings today. It is imperative that the court reach its full strength at the soonest possible date. And I will join with Chairman Roth of the full committee and Senator Eagleton in urging speedy Senate confirmation.

Meanwhile, Senator Eagleton, who is just as committed as I am to seeing these appointments confirmed, has been in communication with Senator Biden and Senator Kennedy, who were two of the ranking Democrats on the Judiciary Committee and urged that these nonpartisan nominations be cleared for Senate floor action.

All indications are that these appointments will be completed in spite of the fact that this is an election year and some appointments to the Federal bench may be delayed because of the political atmosphere.

I suspect that the most effective way to proceed this morning will be to divide the nominees into panels. Before I call the first panel of nominees, I am going to ask the U.S. attorney, Mr. Joseph diGenova, who wants to testify, to come and give his testimony because he has other urgent commitments during the day.

Mr. diGenova?

TESTIMONY OF JOSEPH diGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

Mr. DIGENOVA. Mr. Chairman, thank you very much for the opportunity to be taken out of turn. Senator Specter is holding a hearing at 9:30 this morning and has asked me to be there. I very much appreciate you extending me the courtesy of speaking, No. 1; and second, of course, speaking out of turn.

I am here this morning, Mr. Chairman, in a happy capacity and in a sad capacity. I am here to support and urge the committee's quick consideration and sending to the floor before the end of this session the nominations obviously of all the seven members on this panel, because they are all superbly qualified. I know all of them except one.

But with regard to two individuals who are on the list of nominees, Ms. Susan Holmes and Ms. Noel Kramer, I am particularly honored to be here this morning, because they are assistant U.S. attorneys in the U.S. attorney's office for the District of Columbia.

These are two individuals, obviously, that I am happy to see having been nominated by the President for these very, very important positions on the District of Columbia Superior Court. But I would be less than candid if I did not tell the chairman that it is a great loss to our office to lose people of the caliber of Ms. Holmes and Ms. Kramer.

You cannot have the kind of dedicated service that they have provided to the U.S. Government, the Department of Justice, the courts of the District of Columbia, and the citizens of the District of Columbia without feeling some great loss when two superb lawyers go on to the bench.

But that is, as you well know from your years of sitting in confirmation hearings, is what we all hope for when we find nominees for the bench; that we are going to get the best and the brightest, and the people who will be a credit to the bench.

I can tell the chairman that I admire both of these individuals personally from the standpoint of their personal integrity and honesty and, professionally, from their skills and from the service that they have provided to the courts and to the U.S. Department of Justice.

Their service, as assistant U.S. attorneys, has been exemplary, both as trial lawyers with extensive trial experience in both superior court and in the U.S. district court and in terms of their appellate advocacy skills, which are extensive.

They bring to the bench—and I say bring, because I am certain they will be there—but they will bring to the bench exactly the kind of qualities that you, the President, and the other Members of the Senate are looking for to take on these extremely difficult and burdensome jobs in the superior court because of the kind of backlog that you have alluded to in your opening statement.

Let me just say that each of these individuals, Ms. Kramer and Ms. Holmes—Sue and Noel, if I may, because I do know them and have a great deal of respect and admiration and affection for them—has the judicial temperament, again, that you are looking for and have continued to look for in all the nominees that you have been a party to putting on the superior court.

They are individuals who are dedicated to public service; they are dedicated to the duty that goes along with public service, and I think that their familiarity and knowledge of the superior court system will serve them well, along with their extensive legal experience.

So, Mr. Chairman, without taking up any more of your precious time, I just wanted to heartily endorse the nominations of Susan Holmes and Noel Kramer to this committee and hope and urge that their nominations and the nominations of the other five superb candidates are moved as swiftly as possible to confirmation so that we may all benefit from the fine qualities that they can bring to the bench that we so sorely need in 1984.

Thank you very much, Mr. Chairman.

Senator MATHIAS. Thank you, Mr. diGenova. Let me ask you just one question.

Mr. DIGENOVA. Yes, sir.

Senator MATHIAS. You have given very high praise to these nominees, and I'm sure they deserve it. But you have observed them in a prosecutorial role. What is your judgment as to their sensitivity and their understanding and their impartiality, all of those qualities which we might lump together under the phrase, judicial temperament? You have testified that they have discharged their duties as prosecutors; but will they have the kind of judicial temperament which will serve the public if they are confirmed to the bench?

Mr. DIGENOVA. Mr. Chairman, there is no doubt in my mind that Ms. Holmes and Ms. Kramer possess exactly the qualities about which you are concerned. Indeed, in the execution of their duties, as prosecutors, it is a fundamental part of that responsibility not to merely be an advocate for the Government's position, but to be an advocate for what is just, and what is just in any given case may be doing nothing, bringing no charge, not proceeding in a case.

And in the case of these two individuals, it is abundantly clear to me from having worked with them personally and also having had the opportunity to review their record and talk to others who have worked with them that they possess those qualities about which you are concerned of, impartiality, of being fair, of being concerned, and that they, as judges, would bring to bear on the problems in the cases that come before them exactly the kind of concern and sensitivity and impartiality and fairness that is essential to the proper administration of justice in any courtroom.

Senator MATHIAS. That is a very strong recommendation, and the committee is grateful to you for coming and giving us your views this morning.

Mr. DIGENOVA. Thank you, Mr. Chairman, and again, I appreciate you taking me out of turn.

Thank you.

Senator MATHIAS. We will now proceed as I suggested, and we will ask the nominees to appear in panels. For the first panel, I will ask Mr. King, Ms. Kotelly, and Mr. Sullivan to come to the table.

Before you sit down, as you know, the committee rules require that witnesses at nomination hearings must give testimony under oath. So I will now ask you to raise your right hands and take the oath.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF EMMET G. SULLIVAN, COLLEEN C. KOLLAR-KOTELLY, AND RUFUS G. KING III, NOMINEES TO BE ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. KING. I do.

Ms. KOLLAR-KOTELLY. I do.

Mr. SULLIVAN. I do.

Senator MATHIAS. Let me address several questions to each of you—they are rather basic questions—and get your reactions to each one of them.

Is there anything of which you are aware in your background, professional or personal, which might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. KING. No, there is not.

Ms. KOLLAR-KOTELLY. No, there is not.

Mr. SULLIVAN. No, sir.

Senator MATHIAS. Do you know of any reason, either personal or otherwise, that would in any way prevent you from fully and honorably discharging your responsibilities as a judge in the court to which you have been nominated?

Mr. KING. No, Mr. Chairman, I do not.

Ms. KOLLAR-KOTELLY. No, I do not, Mr. Chairman.

Mr. SULLIVAN. No, Mr. Chairman, I do not.

Senator MATHIAS. This is a question which no one can answer with certainty, but to the best of your ability to foresee, if you are confirmed by the Senate, would it be your intention to serve the full 15-year term of office?

Mr. KING. Yes, it would be my intention to so serve.

Ms. KOLLAR-KOTELLY. Yes, I plan to serve the full term.

Mr. SULLIVAN. Yes, sir, I do plan to serve the full term.

Senator MATHIAS. There is no way we can hold your feet to the fire beyond a certain point, but I think there ought to be at least an expectation as you enter this office that there is an obligation that you will see it through.

Have you ever been involved in civil litigation or administrative or legislative proceedings of any kind, either as plaintiff, defendant, respondent, witness, or party in interest which is directly related to the office to which you are nominated?

Mr. KING. I don't believe that it is necessarily related, but I have been involved in civil litigation as a party on three occasions. In the course of my service on the board of the Auto Owners Action Council, I helped a client reclaim a car which had been seized in a dispute over a repair bill.

Following settlement of the case, he was unhappy because he had further difficulties with the car and felt that I should have assured him that he wouldn't have any difficulties. He sued me in small claims court. The case was resolved in my favor.

I was sued also over a division of fees by a predecessor counsel in a libel case which I took over and successfully settled. His claim was taken to arbitration.

He was unhappy with the arbitration results and sued me and others in the superior court civil division. That case was resolved by summary judgment in my favor.

Finally, I was a party in my own uncontested divorce action in 1976. I have no other litigation except, of course, appearing as counsel in a large number of cases.

Ms. KOLLAR-KOTELLY. No, I have not, Mr. Chairman.

Mr. SULLIVAN. I have been a party, plaintiff, in a lawsuit that was pending in the Superior Court of the District of Columbia.

The facts were as follows: Approximately 2 years ago, my present law partner and I ate lunch at a local Chinese restaurant in the District of Columbia. Upon the conclusion of the luncheon, we found ourselves in the awkward position of having insufficient cash to pay the bill. My law partner produced a check.

Senator MATHIAS. It is not an unprecedented arrangement. [Laughter.]

Mr. SULLIVAN. My law partner produced a check with proper identification and paid the very nominal check, and the proprietors refused this tender of payment. The doors to the restaurant were then locked, and we were illegally detained on the premises for approximately 1 hour until the proprietors reluctantly agreed to accept the tender of payment.

Because of the outrageous actions of the proprietors, my law partner and I commenced suit in the Superior Court of the District of Columbia. That lawsuit has since been resolved favorably to the plaintiffs.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with tax authorities of the Federal Government or in the District of Columbia or any other State or local government?

Mr. KING. No, we have not, Mr. Chairman.

Ms. KOLLAR-KOTELLY. No, Mr. Chairman.

Mr. SULLIVAN. No, Mr. Chairman.

Senator MATHIAS. How would you propose to resolve any potential conflict of interest that might arise during your tenure as a judge?

Mr. KING. Mr. Chairman, I will be winding down a private law practice. In that connection, I will, of course, have to recuse myself from any cases involving former clients or clients of the firm who were in the office at the time that I was present there.

I will also plan to recuse myself from any matter in which any member of my law firm is counsel of record during the time in which there is any financial relationship with the firm whatsoever.

Finally, there may be, or there could be an occasion on which litigation might involve either a company in which I hold stock or an investment in some way. Of course, any situation like that would require recusal. I do not foresee that any of these causes of recusal would be likely to occur with sufficient frequency to in any way impair my service on the bench.

Ms. KOLLAR-KOTELLY. I would recuse myself from any case in which St. Elizabeths Hospital is a party or any matter in which my office has been involved with during my tenure at St. Elizabeths.

In addition, while my husband is a partner in a private law firm, I would recuse myself from any case that involves his firm.

I also do not expect that this will hamper my availability to handle cases. There may be a few pending mental health matters, but most of the other cases should have been disposed of.

Mr. SULLIVAN. If I am confirmed by the Senate, Mr. Chairman, my law partner and I will dissolve our present partnership. I will not preside over any cases involving any present or former clients of my law firm. I will recuse myself from presiding over any case involving present associates, former associates, or present law partners in my law firm for a period of at least 10 years from my investiture.

During the course of any financial transactions that may occur between my law partner and myself, as a result of our dissolution, I anticipate, for a period of at least 10 years, that I will not preside over any matters involving any persons presently associated with my law firm or to become associated with any law firm.

Senator MATHIAS. From the answers that each of you have given to some of the questions that I have asked, it would seem clear that you have all had some litigation experience, some extensive litigation experience; is that correct?

Mr. KING. Yes, it is, Mr. Chairman.

Ms. KOLLAR-KOTELLY. Yes, Mr. Chairman.

Mr. SULLIVAN. Yes, sir.

Senator MATHIAS. In both criminal and civil matters?

Mr. SULLIVAN. Yes, sir.

Mr. KING. Yes, sir.

Ms. KOLLAR-KOTELLY. Somewhat limited in the criminal area.

Senator MATHIAS. But you have had some?

Ms. KOLLAR-KOTELLY. Yes.

Senator MATHIAS. Of what nature?

Ms. KOLLAR-KOTELLY. I, in my early years, was working for the Department of Justice in the Criminal Division Appellate Section. In my present position, at St. Elizabeths Hospital as legal counsel, I deal with some substantive issues in the criminal area. Of course, I, in the superior court, deal in the area of insanity, competency, and release of criminally committed patients.

Senator MATHIAS. You have all been involved in the local courts intimately as attorneys. You heard me ask the U.S. attorney about the subject of judicial temperament.

Mr. King, how would you define judicial temperament?

Mr. KING. Mr. Chairman, I think judicial temperament is made up of a number of components to which one might aspire. First is, I believe, fairness, impartiality toward all who come before the court. Second, I think attentiveness, willingness to listen, willingness to give a full and fair hearing to all who come before a court, and finally, decisiveness, ability to decide with fairness and compassion and yet decide, nevertheless. I believe the full and fair and impartial treatment of all who come before the court is the goal to which a judge should aspire in the matter of temperament.

Senator MATHIAS. Would either of you like to add an addendum to that definition of judicial temperament?

Ms. KOLLAR-KOTELLY. That would be rather difficult, other than to say that I think whatever the demands and pressure of the job, that a judge should treat every person with respect, with patience and impartiality, and that whatever the outcome of a particular case, those who appear before you should leave the courtroom with the sense that they have been treated fairly.

Mr. SULLIVAN. Being the last to speak, it is difficult to add to two very excellent definitions of judicial temperament, but I would like to add that I think it is, in addition, very important to give the necessary respect to our colleagues, members of the bar, and support personnel that work in the court system.

I think that giving respect in addition to the attributes stated by my colleagues define judicial temperament.

Senator MATHIAS. Before I yield to the Senator from Tennessee, let me ask you just one further question. I remember from my own days as a younger lawyer—I still claim to be a young lawyer—that one of the important roles of the judge is as an educator of the younger members of the bar.

I wonder what your feelings may be on that subject, Mr. Sullivan?

Mr. SULLIVAN. I think it is very important for a judge to draw upon all of his or her abilities and experience which he or she has gained throughout the years. In my situation, I was fortunate enough, during my career, to serve as a law clerk to a superior court judge. Since my clerkship, I have actively been involved in the private practice of law. I have represented big businesses; I have represented doctors; I have represented lawyers and other professionals; and I have also represented citizens who have sued big business, corporations, doctors, and lawyers. I have litigated extensively in every division of the superior court and the District of Columbia Court of Appeals. I have had the pleasure to have represented a former past president of the DC Bar, namely, Mr. Jacob Stein; I have had the experience to serve as an adjunct professor at the Howard University Law School; and I have had the pleasure and the honor to have been counsel of record in a case of first impression in the District of Columbia involving the creation of oral inter vivos trusts.

I have had a wealth of experience, I think, that makes me especially well suited to carry out the responsibilities and duties of a superior court judge and to, likewise, share those experiences and the knowledge that I have gained throughout the years with those who appear before me in the person of litigants as well as in the person of attorneys who may appear and litigate before me. I think I have a wealth of experience to share.

Senator MATHIAS. Would you like to add anything to Mr. Sullivan's suggestions?

Ms. KOLLAR-KOTELLY. Other than perhaps to state that although I think a judge cannot become an advocate in the courtroom and try the case for counsel, that I think that you are there to provide direction. I, like Mr. Sullivan, would call upon my experience in litigation in dealing with a variety of issues to provide guidance to counsel who appear before you.

Mr. KING. I could only add to a rather full and excellent pair of answers that I think the judge should, in addition, teach by example and that one should aspire to setting an example of fairness and careful work which others in the bar and in the court system might usefully follow or learn from.

Senator MATHIAS. Senator Sasser?

OPENING STATEMENT OF SENATOR SASSER

Senator SASSER. Thank you, Mr. Chairman. I have read the questions that have been propounded to this group of nominees this morning, and I must say that I'm impressed with their qualifications and very much impressed with their answers here this morning that I have heard. I think the chairman's comment that one of the roles of a judge is to serve as a model and a teacher of young lawyers is a good one.

I am impressed that this panel takes the position that it is not the role of a judge to become an advocate. It is the role of a judge to exhibit great fairness and evenhandedness while in his or her courtroom.

That is something that in the 15 years that I practiced law, Mr. Chairman, I thought was extremely important. I once had an old law partner who has now gone on to his reward. But he told me as a young lawyer, he says, "You know, son," he said, "every judge, after they get on the bench, within 2 or 3 years, they feel like they have got a direct channel to the Deity, and the Federal judges are the worst."

I have thought about that many times, both when I was practicing law and since I have gotten out of the practice of law, and I am impressed that this panel realizes that it is not the role of a judge to become an advocate; that they should be responsive to the litigants, to the witnesses, to those who come through their courtroom; that they should exhibit fairness and tolerance and evenhandedness, and I would just say, Mr. Chairman, that I hope these attitudes continue to exist this year, next year and throughout their careers on the bench.

I am confident it will.

Having said that, I have no questions to add to those that you have already asked, Mr. Chairman.

Senator MATHIAS. Thank you very much. I appreciate your being here.

I want to congratulate you, and I can only say I hope the Senate will act expeditiously.

Ms. KOLLAR-KOTELLY. Thank you, Senator.[1]

Mr. KING. Thank you, Mr. Chairman.

Mr. SULLIVAN. Thank you.

[Biographical information requested of nominees follow:]

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[1] Information on the nomination of Colleen Kollar-Kotelly submitted by Dr. Sheila Rose may be found in the committee files.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

   Emmet Gael Sullivan

2. Position to which nominated:

   Associate Judge, Superior Court of the District of Columbia

3. Date of nomination:

   July 17, 1984

4. Address: (List current place of residence and office addresses.)

   Home - 2219 Bunker Hill Road, N.E.
   Washington, D.C. 20018

   Office - 921 Sixth Street, N.W.
   Washington, D.C. 20001

5. Date and place of birth:

   Date of Birth - June 4, 1947
   Place of birth - Washington, D.C.

6. Marital status: (Include maiden name of wife or husband's name.)

   Married - Nan L. Clemmons

7. Names and ages of children:

   Emmet A. Sullivan, II , 12 years of age
   Erik G. Sullivan, 5 years of age

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

   Howard University: September, 1964-June, 1968; B.A. degree awarded in June, 1968;

   Howard University School of Law: September, 1968-June, 1971; J.D. degree awarded in June, 1971.

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

From	To	Place of Employment	Position
6/70	7/71	D.C. Bail Agency 601 Indiana Avenue, N.W. Washington, D.C.	Interviewer
8/71	11/72	Neighborhood Legal Services Program 1130 6th Street, N.W. Washington, D.C.	Law Clerk
12/72	12/73	Superior Court of the District of Columbia; Law Clerk to the Honorable James A. Washington, Jr.	Law Clerk
1/74	5/80	Houston & Gardner 615 F Street, N.W. Washington, D.C.	Attorney
5/80	7/80	Houston, Gardner & Sullivan 615 F Street, N.W. Washington, D.C.	Attorney
8/80	Present	Houston, Sullivan & Gardner	Attorney-Partner

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

    No additional Government experience.

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

    I am presently a partner in the law firm of Houston, Sullivan & Gardner. I have not held any of the additional positions specified in question numbered eleven.

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

    District of Columbia Bar
    Bar Association of the District of Columbia
    Washington Bar Association

13. Political affiliations and activities:
    (a) List all offices with a political party which you have held or any public office for which you have been a candidate.
    (b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

(a) None

(b) For the past 10 years, I have been a member of the Democratic party.
(c) None

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Reginald Heber Smith Fellow

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None

17. Selection:
(a) Do you know why you were chosen for this nomination by the President?
(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

(a) I assume that I was chosen for this nomination by the President because of my qualifications which, in my opinion, make me well-suited to assume the responsibilities and duties of a Judge of the Superior Court.

(b) In 1973, I clerked for an Associate Judge of the Superior Court of the District of Columbia. Since my clerkship, I have been engaged in the practice of law with my present law firm or its predecessor, Houston & Gardner. I have litigated extensively in every division of the Superior Court and have served on a number of committees responsible for improving the orderly administration of justice in our local court system.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

If I am confirmed by the Senate, my law partner and I will enter into a Partnership Dissolution agreement which will provide for the payment to me of my capital account and my share of all fees to which I am entitled

for cases presently in progress. (My share of fees will be determined as of my date of confirmation.) In view of the fact that the said cases are in varying stages of litigation, I anticipate that final payment to me will not be made for at least three (3) years subsequent to my investiture. All other connections with my present business associates will be severed.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   If confirmed, I expect to serve out my full term.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

   If I am confirmed by the Senate, my law partner and I will enter into a Partnership Dissolution agreement which will provide for the payment to me of my capital account and my share of all fees to which I am entitled for cases presently in progress. In view of the fact that the said cases are in varying stages of litigation, I anticipate that final payment to me, by him, will not be made for at least three (3) years subsequent to my investiture. All other connections with my present business associates will be severed.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   None

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result

in a possible conflict of interest in the position to which you have been nominated.

None

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat of modification of any legislation or affecting the administration and execution of law or public policy.

None

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

If I am confirmed as a Judge, I will never preside over any matters involving legal representation by anyone associated with my law firm. Moreover, I will never preside over any cases involving any former client(s) of mine, or my firm, regardless of whomever may be representing such client(s).

I will resolve any potential conflict of interest in a manner that will never discredit me or the Judiciary.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

(A.) In July, 1974, Karen Lumpkins filed a complaint with The Disciplinary Board of the District of Columbia Bar and sought the return of a Sixty Dollar ($60.00) consultation fee. Upon my filing of a response to the complaint, it was dismissed. The docket number is 124-74.

(B.) In February, 1984, Ms. Gladys Dorgett filed a "Fee Dispute and Quality of Representation" complaint with the Disciplinary Board of the District of Columbia Bar. Upon my filing of a response to the complaint, it was dismissed. The docket number is 42-84.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

I was a co-plaintiff in C.A. #7320-83, which was filed in the Superior Court of the District of Columbia. The details are as follows:

On June 24, 1982, my law partner, Wendell P. Gardner, Jr., and I, ate lunch at a local Chinese Restaurant, The Golden Palace. Upon conclusion of the luncheon, we found ourselves in the awkward position of not having sufficient cash on us to pay the bill. When my law partner produced a check, with proper identification, to pay the bill, his tender of payment was refused. The doors to the restaurant were then locked by its employees and we were detained therein by them for approximately one hour until my partner's check was accepted.

On July 27, 1984, the litigation was settled.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

I can think of no additional information, favorable or unfavorable, which I feel should be considered in connection with my nomination.

AFFIDAVIT

Emmet G. Sullivan, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

Emmet G. Sullivan

SUBSCRIBED and SWORN before me this 6th day of August , 1984.

Notary Public

My Commission Expires July 31, 1989

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

   Yes

2. Are you a member of the bar of the District of Columbia?

   Yes

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

   Yes, admitted in December, 1973.

4. If the answer to No. 3 is "No"--
   (a) Are you a professor of law in a law school in the District of Columbia?
   (b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?
   (c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?
   (d) Upon what grounds is that eligibility based?

   N/A

5. Are you a bona fide resident of the District of Columbia?

   Yes

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

   2219 Bunker Hill Road, N.E., Washington, D.C. 20018 - July 1973 to present.

7. Have you maintained an actual place of abode in such area for at least 5 years?

   Yes

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

   No

9. Have you been a member of either Commission within the last 12 months?

   No

LAW OFFICES
HOUSTON, SULLIVAN & GARDNER
921 SIXTH STREET, N.W.
WASHINGTON, D.C. 20001
(202) 628-7058

EMMET G. SULLIVAN
WENDELL P. GARDNER, JR.

WILLIAM L. HOUSTON
(1892-1923)
CHARLES H. HOUSTON
(1924-1950)

August 29, 1984

Eileen C. Mayer, Chief Counsel
Subcommittee on Governmental Efficiency
and the District of Columbia
Senate Hart Building, Room 442
Washington, D.C. 20510

Dear Ms. Mayer:

Pursuant to the recent meeting that I had with you, this is to confirm my amendment of the "Biographical and Financial Information Requested of Nominees" form, as follows:

A.)

12A. U.S. District Court Grievance Committee;
B. Advisory Committee on Superior Court Rules of Civil Procedure
C. Board of Directors - Law Students In Court Program.

C.)

5. If I am confirmed by the Senate, I will not preside over any matters involving legal representation by anyone associated with my present law firm for a period of ten (10) years subsequent to my investiture. Moreover, I will never preside over any cases involving any client(s) of mine, or my firm, regardless of whomever may be representing such client(s).

AFFIDAVIT

Emmet G. Sullivan, duly sworn, hereby states that he has read and signed the foregoing Supplement to Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate and complete.

Emmet G. Sullivan

Emmet G. Sullivan

SUBSCRIBED and SWORN to before me this 29th day of August, 1984.

Notary Public

My Commission Expires July 31, 1988

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPICAL INFORMATION

Question 1. Name: (Include any former names used.)

Answer: Colleen Constance Kollar-Kotelly (Colleen Constance Kollar prior to September 25, 1971).

Question 2. Position to which nominated:

Answer: Associate Judge, Superior Court of the District of Columbia.

Question 3. Date of nomination:

Answer: July 17, 1984.

Question 4. Address: (List current place of residence and office addresses.)

Answer: Residence - 208 Eleventh Street, N.E., Washington, D.C. 20002; Office - Legal Office, Saint Elizabeths Hospital, 2700 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20032.

Question 5. Date and place of birth:

Answer: April 17, 1943, New York, New York.

Question 6. Marital Status: (Include maiden name of wife or husband's name.)

Answer: Married. John Theodore Kotelly.

Question 7. Names and ages of children.

Answer: None.

Question 8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Answer: Escuela Campo Alegre, Caracas, Venezuela, 1957-1958; Georgetown Visitation Preparatory School, Washington, D.C., 1958-1961 (high school diploma granted June, 1961); Catholic University of America, Washington, D.C., 1961-1965, (B.A. granted June, 1965); Catholic University of America Law School, Washington, D.C. 1965-1968, (J.D. granted May, 1968).

Question 9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Answer: August, 1972 - Present: Legal Office, Saint Elizabeths Hospital, 2700 Martin Luther King, Jr., Avenue, S.E., Washington, D.C.; Chief Legal Counsel.

October, 1969 - July, 1972: Department of Justice, Criminal Division, Appellate Section, Washington, D.C.; Attorney.

September, 1968 - October 1969: District of Columbia Court of Appeals, Washington, D.C.; law clerk to the Honorable Catherine B. Kelly, Associate Judge of the District of Columbia Court of Appeals.

June, 1967 - September, 1967; June, 1966 - September, 1966: Dougherty and Barrie, 1101 Seventeenth Street, N.W., Washington, D.C.; law clerk.

June, 1965 - July 1965: Department of Justice, Washington, D.C. clerical (student trainee).

Question 10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Answer: Member of the Ugast Forensic Committee of the Superior Court of the District of Columbia, 1974 to present;

Member of the Mental Health Rules Committee of the Superior Court of the District of Columbia, 1974 to present;

Member of the Juvenile Court Liaison Committee of the Superior Court of the District of Columbia, 1974 to present.

Member of a Task Force of the Department of Health and Human Services and the District of Columbia to Establish a Public Corporation to Administer Saint Elizabeths Hospital and Certain

Mental Health Services of the District of Columbia Department of Human Services, 1980-1981.

Resource Staff from Saint Elizabeths Hospital to Mayor Barry's Ad Hoc Advisory Committee on Mental Health Services Reorganization, Task Groups: Community Services; Forensic Care.

Question 11. Business Relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company firm, partnership or other business enterprise, educational or other institution.

Answer: My husband, John T. Kotelly and I are joint tenants in a limited real estate partnership, Capital Realty Investors II, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland 20852.

Question 12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Answer: District of Columbia Bar, Bar Association of the District of Columbia, Women's Legal Defense Fund, In-House Hospital Attorneys Association of the Metropolitan Area.

Question 13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

Answer: (a) none
(b) none
(c) none

Question 14: Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Answer: Elected to Delta Epsilon Honor Society; Saint Elizabeths Hospital Certificate of Appreciation, 1981; Outstanding ratings under Merit Pay Performance Plans for 1980-1983. Chosen for Senior Executive Training (SES Program) March, 1982. Department of Health and Human Services/Alcohol, Drug Abuse and Mental Health Administration Award for Meritorious Achievement in 1984.

Question 15. Published writings: List the titles, publishers, and dates of books, articles, reports or other published materials which you have written.

Answer: Law and Ethics: A Guide to the Health Professional, Chapter "Constitutional Law", Human Science Press, New York, to be published in 1984.

Question 16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

Answer: Not Applicable.

Question 17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Answer:

(a) I am not specifically aware of the reasons underlying the President's nomination of me for this position. I would expect that his decision was based on my professional qualifications, academic record, as well as my reputation in the legal community of the District of Columbia for honesty, fairness and integrity.

(b) The experience I have gained through the practice of law combined with other professional activities affirmatively qualifies me to be confirmed as an Associate Judge of the Superior Court.

From 1968 to 1969, I served as a law clerk to the Honorable Catherine B. Kelly, Associate Judge of the District of Columbia Court of Appeals.

From 1969 to 1972, I was an attorney in the Department of Justice, Criminal Division, Appellate Section. In that capacity, I wrote appellate briefs and argued in various Federal circuits, Court of Appeals, including the District of Columbia, representing the Department of Justice Strike Forces and various U.S. Attorney's Offices; prepared briefs in opposition to petitions for writs of certiorari in the United States Supreme Court; and wrote a brief on the merits in the United States Supreme Court.

From 1972 to the present, I have been legal counsel to Saint Elizabeths Hospital, Department of Health and Human Services. Initially as the Hospital's sole attorney (1972-1974), and later as the supervisor of four additional attorneys I have provided legal advice to the Superintendent of the Hospital and other administrative and clinical staff on all decisions relating to the operation of the Hospital having legal ramifications, including the formulation of policy and procedures and the safeguarding of patients' rights. Practicing a philosophy of preventive law, my advisory role has not been limited to mental health law, but has concerned a broad spectrum of substantive issues, such as contracts, property, financial transactions (including health care financing), labor/management, constitutional rights, criminal law, medical malpractice, confidentiality, as well as other legal issues.

In the area of litigation, a unique relationship has been established with the U.S. Attorney's Office over the past twelve years in which I and the supervised members of my staff regularly represent the Hospital in Superior Court in matters relating to civil commitment proceedings, mental retardation proceedings, juvenile court proceedings, court orders in pre-trial and post-trial criminal cases, writs of habeas corpus, sentenced prisoner-patient transfer

hearings, release of medical records, conservatorships and guardianships, treatment issues and community placement issues, and any other legal proceedings requiring a court hearing as a forum for presenting the Hospital's position. Further, since 1975, as co-counsel with the U.S. Attorney's Office, I and my staff have represented the Hospital in civil suits in U.S. District Court preparing all pleadings, carrying out discovery, arguing motions and handling witnesses at trial. In that capacity, I handled two major class action suits in which the Secretary of the Department of Health and Human Services was the defendant, and the District of Columbia was the co-defendant. One suit challenged the constitutionality of a District of Columbia statute as it related to the psychiatric hospitalization of persons under the age of 18; an issue ultimately ruled on by the United States Supreme Court in a similar case. The other class action suit set a national precedent in the area of mental health law involving the expansion of the right to treatment to include placement in alternative community facilities, as well as the provision of appropriate mental health and community support services. In addition, since 1978 the Legal Office, with the approval of the U.S. Attorneys Office, has been assigned, in cases relating to the Hospital, to write appellate briefs and argue cases before both the United States Court of Appeals and the District of Columbia Court of Appeals.

I have also served as a liaison between the Hospital and federal and local courts, legal agencies, (Public Defender Service and United States Attorney's Office), federal and District of Columbia agencies, law enforcement agencies, community organizations, and the D.C. City Council, particularly the Committee on Human Services chaired by Ms. Polly Shackleton who has sought my opinion on various legislative proposals in my fields of specialization. I have been assigned, as well, to work with the District of Columbia government as the Hospital, and in some instances, the Department of Health and Human Services representative on such issues as the establishment of a comprehensive mental health system, deinstitutionalization, the homeless, alcohol and drug abuse, and other areas of community concern.

I have also participated in numerous seminars and training programs, the primary ones being the

following: a 7-hour seminar presented in 1979, 1980 and 1983 at the annual meetings of the American Psychiatric Association; speaker at programs sponsored by the D.C. Superior Court Judicial Conference, Catholic University Law School (Women in the Law), Georgetown University Alumni Association, D.C. Medical Society, Washington Psychiatric Society, D.C. Mental Health Association, American Academy of Psychiatry and the Law, the Public Defender Service, and the U.S. Attorney's Office, and as a participant in programs sponsored by the Hispanic community, church groups and professional women's groups.

My varied legal experience has allowed me to acquire substantive knowledge in many areas of the law which would assist me in my deliberations as a Superior Court judge. Furthermore, during the past twelve years I have worked closely with many judges and court committees, providing me with an appreciation of the inner workings of the Superior Court. Therefore, I believe that my unique legal experience qualifies me for a judicial appointment to Superior Court.

B. FUTURE EMPLOYMENT RELATIONSHIPS

Question 1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Answer: Yes.

Question 2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

Answer: No.

Question 3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer: No.

Question 4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer: No.

Question 5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Answer: I would plan to serve a full term.

C. POTENTIAL CONFLICTS OF INTEREST

Question 1. Describe all financial arrangements, deferred compensation agreements, and other continuing deals with business associates, clients or customers.

Answer: None.

Question 2. Indicate any investments, obligations, liabilities or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer: I do not believe that any of the investments, obligations, or liabilities in Section E of this statement could involve any potential conflicts of interest, except that if I am confirmed by the Senate I would, of course, not handle any matters pertaining to any property of which I am the co-owner. Beyond those identified in Section E, there are no other investments, obligations, liabilities or relationships that I can conceive of possibly causing a potential conflict of interest.

Question 3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conlict of interest in the position to which you have been nominated.

Answer: As the Chief Legal Counsel to Saint Elizabeths Hospital since 1972, I have been involved directly or indirectly in all cases in Superior Court involving Saint Elizabeths Hospital. If I am fortunate enough to be confirmed by the Senate and appointed to the Superior Court, I will recuse myself from any case in which Saint Elizabeths Hospital was a party or any matter that my office was involved in during my tenure as legal counsel to Saint Elizabeths Hospital.

Question 4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

Answer: During my tenure with the Legal Office, Saint Elizabeths Hospital, I have on several occasions assisted the Superintendent, Saint Elizabeths Hospital and officials of the Department of Health and Human Services in preparing testimony and in some instances, accompanied them as their legal counsel in their appearances before the Council of the District of Columbia and the Congress of the United States on matters involving the confidentiality of mental health records, the rights of juveniles to mental health treatment, court ordered psychiatric evaluations of juveniles, civil commitment statutes and legislative proposals to combine Saint Elizabeths Hospital and the District of Columbia mental health system. In some sense all of the above actions have been intended to affect the administration and execution of law and public policy, but there are no specific instances that would in any way affect my ability to act fairly and impartially as an Associate Judge of the Superior Court of the District of Columbia.

Question 5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Answer: I will recuse myself from any matter in which Saint Elizabeths Hospital was a party and from any case which my office was involved with during my tenure with the Legal Office, Saint Elizabeths Hospital. In addition, while my husband remains a partner in a private law firm, I will recuse myself from all matters involving his law firm.

Question 6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position.

Answer: Yes.

D. LEGAL MATTERS

Question 1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer: No.

Question 2. Have you ever been investigated, arrested, charged or held by any Federal, State or other law enforcement authority for violation of any Federal, State county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

Answer: No.

Question 3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Answer: No.

Question 4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

Answer: No.

Question 5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Answer: I know of no additional information.

AFFIDAVIT

Colleen Constance Kollar-Kotelly being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial information and that the information provided therein is, to the best of her knowleddge, current accurate, and complete.

Colleen Kollar-Kotelly

Subscribed and sworn before me this 6th day of August, 1984.

Ann M. Cilio
Notary Public

My commission expires: 11/30/88

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

Question 1: Are you a citizen of the United States.

Answer: Yes.

Question 2: Are you a member of the bar of the District of Columbia?

Answer Yes.

Question 3: Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Answer: Yes - May, 1969.

Question 4: If the answer to No. 3 is "No" -

(a) Are you a professor of law in a law school in the District of Columbia?

(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?

(c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?

(d) Upon what grounds is that eligiblity based?

Answer: Not applicable.

Question 5: Are you a bona fide resident of the District of Columbia?

Answer: Yes.

Question 6: Please state the addresses of your actual places of abode (including temporay residences) with dates of occupancy for the last 5 years.

Answer: 208 11th Street, N.E.,
Washington, D.C. 20002

Question 7: Have you maintained an actual place of abode in such area for at least 5 years?

Answer: Yes.

Question 8: Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

Answer: No.

Question 9: Have you been a member of either Commission within the last 12 months?

Answer: No.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. Biographical Information

1. Name:

Rufus Gunn King, III.

2. Position to which nominated:

Associate Judge, Superior Court of the District of Columbia.

3. Date of nomination:

July 17, 1984.

4. Address:

Office: Berliner & Maloney
1100 Connecticut Ave., N.W., Suite 420
Washington, D.C. 20036
Tel: (202)293-1414

Home: 313 - 5th Street, S.E.
Washington, D.C. 20003
Tel: (202)543-0081.

5. Date and place of birth:

June 16, 1942, New Haven, Connecticut.

6. Marital status:

Married Karen Diane (Jenkins) King, July 22, 1976.

7. Names and ages of children:

N/A

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Landon School, Bethesda, Maryland	1954-60	Diploma
Princeton University	1960-62, 1964-66	A.B.
Georgetown University Law Center	1967-71	J.D.

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

5/83 - present	Partner, Berliner & Maloney 1100 Connecticut Ave., N.W. Washington, D.C. 20036
1/79 - 5/83	Partner, King & Newmyer 910 17th St., N.W. Washington, D.C. 20036
1/77 - 1/79	Partner, King & King 910 17th St., N.W. Washington, D.C. 20036
8/73 - 1/77	Associate, Rufus King 808 Woodward Building Washington, D.C. 20005
3/73 - 8/73	Associate, Rollinson, Long & Stein 1019 19th Str., N.W. Washington, D.C.
7/71 - 3/73	Associate, Karr & Greensfelder 625 Washington Building Washington, D.C.
4/68 - 6/71	Clerk to Judge William C. Pryor Superior Court of the District of Columbia Washington, D.C. 20001
2/68 - 4/68	Clerk to Judge Austin L. Fickling D.C. Court of General Sessions Washington, D.C. 20001
2/67 - 2/68	Bailiff, D.C. Court of General Sessions Washington, D.C. 20001
9/66 - 2/67	Research Assistant University of Maryland College Park, MD
6/66 - 9/66	Research Assistant Cornell University Medical School Dept. of Neurology

10 Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

No such posts.

11. Business relationships: List all positions held as an officer, director, trustee, partner proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Partner, King & King, 1977 - 1979

Partner, King & Newmyer, 1979 - 1983

Partner, Berliner & Maloney, 1983 - present.

Member, Board of Trustees, Auto Owners Action Council, 1977 - 1981.

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

District of Columbia Bar (Unified), since 1971
Bar Association of the District of Columbia, since 1972
Washington Bar Association, since 1982
American Bar Association, since 1972
Association of Trial Lawyers of America, since 1979
Superior Court Trial Lawyers Association, since 1980
Phi Alpha Delta Law Fraternity, since 1970

District of Columbia Bar (Unified) offices and memberships:

Chairperson, Election Committee, 1978
Chairperson, District of Columbia Superior Court Arbitration Committee, 1978-1979
Member, Civil Subcommittee, Committee to Study the D.C. Court System (the Horsky Committee), 1979-1982
Chairperson, Fee Arbitration Board of the District of Columbia Bar, 1980-1982. Present Board member
Chairperson, District of Columbia Courts Committee, Division 18 of the District of Columbia Bar, 1983-present.

Other memberships:

National Press Club, since 1979
Barristers, since 1982
American Arbitration Association Panel of Arbitrators, since 1976
National Association of Securities Dealers Panel of Arbitrators, since 1981

Vice-chairperson, Committee on the Family of the Future, 1979-1980, Family law Section of the American Bar Association.
Board of Trustees, Auto Owners Action Council, 1976-1981;
President, 1300 Block Club, a member group of Capitol East Community Organization, 1969-70;
Committee on Crime in the Community, Capitol Hill Restoration Society, 1979-80;

13 Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I am a registered Democrat. I have neither held political office nor rendered services to political parties.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

1981:

Rinaldo for Congress	$ 50.00

1982:

Citizens for Kane	200.00
Citizens for Kane	100.00
Barnes for Congress	100.00
Rick Fore for U.S. Senate	250.00
Citizens for Kane	75.00
Citizens to Re-elect Councilmember Nadine Winter	100.00

Citizens to Re-elect Mayor Barry	100.00
Lawyers for Barry	50.00
Citizens for Kane	50.00
Rick Fore for U.S. Senate	50.00

1983

D.C. Democratic State Central Committee	100.00
Citizens for Kane	100.00

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Martindale-Hubbell "av" (1980)
Voting Delegate, Judicial Conferences of the District of Columbia (1980 - 83).

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Cipes, Criminal Defense Techniques, Vol. 3, Chap. 52, "Defense of a Gambling Case", Matthew Bender, 1976.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I have had extensive civil and criminal trial experience in most branches of the Superior Court of the District of Columbia, as well as in federal and neighboring state court systems. I have also worked on a number of Bar committees and boards concentrating on the use of arbitration to simply the resolution of civil disputes. My candidacy for a judgeship has enjoyed wide support among members of the District of Columbia Bar and judges on the Superior Court. I believe these factors played important parts in my nomination to the Court.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I believe my extensive and general litigation experience as a lawyer in private practice and my standing at the Bar give me skills and perspective which qualify me for service and will add strength to the Court.

B. Future Employment Relationships

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. Potential Conflicts of Interest

1. Describe all financial arrangements deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

(a) Business Associates: I have agreed with my partners at Berliner & Maloney to sever all financial connection with the firm prior to taking the bench, except for collection of fees due me for services rendered prior to leaving the firm. As to these fees, they will be collected in the ordinary course of the firm's billings, and, after deduction of firm expenses, they will be paid to me. In cases in which there is a contingent fee (such as negligence cases) or where the fee is yet to be determined (such as decedent's estates) fees actually collected after I leave the firm will be pro-rated according to time spent by me and by my successor at the firm. In all cases all financial benefits I will derive from this arrangement will constitute compensation for services rendered by me or by associates working with me prior to my taking the bench.

(b) Clients: I will terminate all business relationships with my clients and with clients of the firm.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I am aware of no investments which could involve potential conflicts of interest other than obvious conflicts in cases of litigation involving companies in which I hold securities or tenants of properties I own. In those cases, my recusal would, of course, be required.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

I am aware of no business relationships which would constitute or result in a conflict of interest other than the conflict involved in litigation involving former clients of mine or my firms'. Such cases would require my recusal.

4. Describe any activity during the last 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I participated in a "Congress Walk" for the Litigation Division of the American Bar Association in March of 1983.

A number of ABA members visited members of Congress to discuss the Litigation Division's position on then pending legislation affecting Federal Bankruptcy Judges.

In my capacity as partner at Berliner & Maloney I am registered as an agent for the Governments of Barbados and Grenada, but I have not been active in this area.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

As referred to above, I will recuse myself from any matter involving a former client of mine or my firms', a tenant, and companies in which I hold stock. I will also recuse myself from matters in which any member of Berliner & Maloney appears as counsel so long as any fees remain payable to me as outlined in Answer Number C-1 above and for six months thereafter. I will cancel my registration as agent for the Governments of Barbados and Grenada. Also I have announced my intention to resign my positions as a Director of the Fee Arbitration Board of the D.C. Bar and as Chairman of the D.C. Courts Committee of the D.C. Bar prior to taking the bench. I do not foresee that recusals in the above circumstances will be required with sufficient frequency to impair my ability serve as a judge.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes.

D. Legal Matters

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee or other professional group? If so, provide details.

I am aware of two complaints to the Board on Professional Responsibility of the District of Columbia Bar, both of which arose out of what were essentially fee disputes. In one (1973), I was retained as successor to other counsel in the prosecution of a claim for property damage, and the client was unsatisfied with the outcome. To the best of my knowledge this matter was terminated upon informal inquiry without ever becoming a matter of record. In the second

(1980), I also succeeded other counsel representing a contentious party in the Alexandria waterfront litigation [United States v. Herbert Bryant, Inc., et al., (D.C.D.C.Civ. Nos. 73-2211 and 73-1903)]. As a result of disagreement in basic strategy questions the client discharged me, and combined a complaint to the Board on Professional Responsibility with an attempt to bring ancillary proceedings before Magistrate Jean Dwyer, who was presiding over discovery in the cases. Both complaints against me were dismissed.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Yes. In 1982 a pro bono client I represented in connection with my service on the Board of the Auto Owners Action Counsel filed a case seeking recovery from me for damage to his auto after settlement of a claim for wrongful repossession. The case was tried in Small Claims Court, both parties appearing, pro se, and the decision was in my favor.

In 1981 I was a defendant in a suit by predecessor counsel for fees he contended were due him. The underlying case involved a libel by a television station against an American Legion Post. It was ripe for dismissal for failure to comply with orders compelling discovery when I was retained as successor counsel. I successfully moved to vacate the sanctions and obtained a favorable settlement for the American Legion Post. Predecessor counsel then sued me, the Fee Arbitration Board of the District of Columbia Bar, and others after becoming dissatisfied with an arbitration award of his fee. The $60,000,000 claim sought a contingent fee, libel damages and punitive damages. The case was handled by Denver Graham, Esq. and James Jordan, Esq., pursuant to malpractice insurance policies held by myself and a co-defendant Steve Armstrong, Esq. All counts were disposed of by summary judgment for defendants.

I was a party, pro se, in my own uncontested divorce case in 1976.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Washington is my home town. I love this city, but I am realistic about its problems, especially the need to assure its citizens a criminal justice system which is firm, swift and fair.

In the balance of attitudes I consider most important in a good judge, I am--to try to judge myself--fair, compassionate and willing to listen, but not afraid to decide. One of the special satisfactions of my career has been to develop and chair the Fee Arbitration Board of the District of Columbia Bar, an activity which often demands judicial qualities.

I have sincerely wanted to serve on the Superior Court bench for many years, and my family and those close to me strongly support this choice. I look forward to many years of service to the Court and the community.

A F F I D A V I T

Rufus King, III being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

Rufus King, III

Subscribed and sworn to before me this 1st day of August, 1984.

Notary Public

My commission expires:

My Commission Expires October 31, 1985

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED.

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. I have been a member of the D.C. Bar since 1971.

4. If the answer to No. 3 is "No"--

N/A

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

I have resided at the address below since May of 1979.
313 - 5th Street, S.E.
Washington, D.C. 20003

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

A F F I D A V I T

Rufus King, III, being duly sworn, hereby states that he has read and signed the foregoing Supplement for D.C. Judge Nominees and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.

Rufus King, III

Subscribed and sworn to before me this 1 day of August, 1984.

Notary Public

My commission expires:

My Commission Expires October 31, 1985

Senator MATHIAS. Our second panel will be Susan Holmes and Noel Kramer, who have already been very fully introduced by the U.S. attorney.

If you will raise your right hands, I will ask you to take the oath. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF SUSAN R. HOLMES AND NOEL A. KRAMER, NOMINEES TO BE ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. HOLMES. I do.

Ms. KRAMER. I do.

Senator MATHIAS. The questions I will ask you will necessarily be repetitive of those that I asked the first panel.

But let me start by saying, is there anything of which you are aware, either professional or personal, which might preset a conflict of the interest with the duties of the judgeship to which you have been nominated?

Ms. HOLMES. Mr. Chairman, for the last 5 years, I have worked at the U.S. attorney's office and have engaged in criminal practice. I suspect that there could be a conflict, if I were nominated to the bench, in presiding over criminal matters that were pending at the time I was in the office. My proposal would be to recuse myself from all such cases in which the United States was a party which were pending at the time that I was in the office.

Ms. KRAMER. Mr. Chairman, I, too, have spent the last 8 years of my career in the U.S. attorney's office on the criminal side. I propose to recuse myself automatically from all cases pending in the office while I have been there.

Further, my husband, Franklin D. Kramer, is a partner in the Washington firm of Shea & Gardner, and I would automatically recuse myself from any case where his firm was a participant.

Finally, with respect to areas which could raise questions, the appearance of impropriety, I would be prepared to invite motions for recusal, such as where I had small financial interests in various companies that might come before me as litigants.

Senator MATHIAS. You both mentioned criminal matters that have been pending in the U.S. attorney's office while you have served there. What would be the volume of such matters, just a rough idea, how many cases? Ms. Holmes?

Ms. HOLMES. Mr. Chairman?

Senator MATHIAS. At a guess?

Ms. HOLMES. I can't even take a guess. I know from the experience of others who have been in the office for a similar period of time, it usually took approximately 1 year to 1½ years after they were confirmed before they would be assigned to criminal matters.

Ms. KRAMER. Mr. Chairman, that also is the information that I have obtained. Since I have been on the district court side rather than the superior court side for the past 2 years, I looked into and sought guidance from people within the office and also outside on what the best policy would be to follow, and that was the suggestion that I received from others' experience.

Senator MATHIAS. Unfortunately, the volume of business in the courts is sufficiently great that even with recusing yourself as you suggest, you will, I think, find plenty to do.

Do either of you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging your responsibilities as a judge?

Ms. HOLMES. No, sir.

Ms. KRAMER. No, sir.

Senator MATHIAS. What about the question of serving out the 15-year term? To the extent that any one of us can look into the future, would that be your intention?

Ms. HOLMES. It's my intention; yes, sir.

Ms. KRAMER. I look forward to it as an opportunity, Mr. Chairman.

Senator MATHIAS. Have either of you ever been involved in any civil litigation or administrative or legislative proceedings, either as plaintiff, defendant, respondent, witness, or party in interest, which is directly or indirectly related to the court on which you have been nominated to serve?

Ms. HOLMES. Mr. Chairman, the only two civil matters with which I have been involved were a divorce in 1975 and an adoption in 1982. Neither of these matters would affect my position on the bench if confirmed.

Ms. KRAMER. Other than in my role as an assistant U.S. attorney, I have never been involved in any litigation in superior court.

Senator MATHIAS. Have either of you or any members of your immediate family ever been involved in any controversy or litigation with tax authorities of the Federal Government or the District of Columbia or any other State or local government?

Ms. HOLMES. No, Mr. Chairman.

Ms. KRAMER. No, sir.

Senator MATHIAS. You have suggested that if there were cases that arose in the court which in some way related to your duties in the U.S. attorney's office, you could recuse yourself. Is that the course you would follow if any other potential conflict of interest were to arise during your tenure?

Ms. HOLMES. Oh, yes, sir.

Ms. KRAMER. Yes, sir, although I would draw a distinction between automatic recusal and inviting motions for recusal. I believe sometimes judges have a responsibility to not immediately bow out of cases if it is a minor kind of conflict.

Senator MATHIAS. What would you define as cutting and running and what would you define as a legitimate recusal?

Ms. KRAMER. For example, let's say that a large corporation was a litigant in the superior court and I owned one share of stock. I wouldn't construe that as a basis, ordinarily, unless there were unusual circumstances, for automatically recusing myself from the case. I do think the stock ownership should be brought to the attention of the parties.

Senator MATHIAS. It is a difficult area, and I think perhaps you put your finger on the key, that it should be brought to the attention of the parties.

Judge Haynsworth was much criticized and probably was denied a seat on the Supreme Court of the United States because of relatively small stock interests in various companies that, from time to time, were in litigation in his court. It may be that if in each case had the stock interest been meticulously revealed and c iled, that he could have avoided the considerable embarrassment th came to him.

Ms. KRAMER. Yes, sir. As I indicated, I would invite a motion for recusal, after informing the parties of the potential conflict.

Senator MATHIAS. But you accept it as a judicial responsibility to inform the parties?

Ms. KRAMER. Oh, indeed.

Senator MATHIAS. What makes you think that you are qualified to be a judge?

Ms. HOLMES. Mr. Chairman, when I left law school, I started my practice in a small private firm with one other individual. At that time, right after law school, I had the opportunity to work closely with one person in a general litigation firm that handled cases from criminal cases to anything that walked in the door. We handled landlord tenant cases; we handled small claims cases; we handled divorces and wills.

This experience gave me a chance at the start of my career to see what the life of a general practitioner is like and to introduce myself to several areas of the law.

Since we did so much criminal work, and we did it from the defense side, I made a decision, apart from desiring to relocate to Washington, that I wanted to learn the prosecution setting. I was fortunate in one sense in that I was hired by the Department of Justice Criminal Fraud Division, and I had the opportunity as a prosecutor to handle multimillion-dollar fraud cases; to travel all over the country; to work with other U.S. attorneys and their staffs; to handle grand jury matters and major paper cases, but I did not have the kind of foundation I thought I would get at the U.S. attorney's office or a local district attorney's office.

I decided, then, to apply and was fortunate to be hired as an assistant U.S. attorney here in Washington, where I could learn more about the local population, certainly more about the local criminal structure, and on a personal level, be able to prosecute the most minor cases up to the most major cases.

For the last 5 years, I have prosecuted misdemeanor cases; I have handled grand jury matters; I have briefed and argued cases before both courts of appeals; and then finally, I was assigned to the felony trial division, and for several years, now, I have tried just about every felony that is on the books.

Through that experience, I have not only had an opportunity to develop my trial skills, but I have gotten to know many of the people in the District of Columbia. I am convinced that each of us comes to court at some point as a witness or a juror or as a victim, or in some capacity, and it has taught me something about the people here.

I was then promoted to the felony I division, where I had the opportunity to try first-degree murder cases and rape cases and to shoulder the most serious crimes that one person can commit against another.

It was a tremendous experience to share with the victims and those persons who became involved in those cases, the concern that the U.S. attorney's offices has for righting those kinds of wrongs.

Most recently, Senator, I was promoted to the position of deputy chief of felony trial. Just since August, I am beginning the experience of supervising some of the younger lawyers in the office. I am convinced that having had the opportunity to litigate, both from the defense side and the prosecution side, major cases and minor cases, that I would be a highly qualified candidate to be on the bench to handle cases that come before the superior court since that is the bulk of my experience.

Senator MATHIAS. You face the duties of judgeship with a great deal of confidence. Do you think you would have the same degree of confidence if you had not had the trial experience that you have had?

Ms. HOLMES. I don't know. I think not. For example, Mr. Chairman, when I first considered this process, my concern, and I suspect it is a concern of the Chair on this committee, was that I had very little civil experience. I spoke to several of my colleagues, and I spoke to members of the bench about that. I am very confident about my abilities as a trial lawyer, but I recognize that they are principally in the criminal area.

What I was told by the members of the bench with whom I discussed this question was that indeed, it is trial experience, whether it is civil or criminal, which qualifies a person to handle matters well as a judge, and I was so assured by each of those persons that I think that is what generates the confidence in me that I will do a good job on the bench in both sides of the law.

Senator MATHIAS. Ms. Kramer?

Ms. KRAMER. Mr. Chairman, upon graduation from the University of Michigan Law School in 1971, I moved to the District of Columbia to begin the practice of law and have practiced law in the District of Columbia for my entire legal career. I began with the Washington law firm of Wilmer, Cutler & Pickering, where I remained for approximately 4½ years.

During that time, I had the opportunity to practice in a number of areas of civil law, including antitrust, communications law, and securities law.

I also had the opportunity to participate in a substantial amount of civil litigation in the Federal courts. In 1976, I became an assistant U.S. attorney for the District of Columbia, where I have remained since then. For the first 6 years of the time that I was in the U.S. attorney's office, my job was almost exclusively in superior court.

During the first 3 years, I appeared in superior court on an almost daily basis, and I tried numerous cases ranging from misdemeanor offenses to violent felonies committed by major offenders. I then was appointed deputy chief of the grand jury section of the office, a section which had responsibility for handling almost all the felony cases charged in superior court and, indeed, at that time, almost all of the felony or a great majority of the felony cases charged in the office itself.

During the year that I was the deputy chief, I also continued to try cases, and at the end of that year, I became chief of the grand jury section, a position in which I remained for 2 years.

As the head of the grand jury section, one is confronted with many of the same kind of backlog problems that you have referred to here this morning. The major challenge that I found as the chief of the grand jury section was trying to ensure a fair system of justice within a system that had extraordinary limited resources. I see that as a challenge that is very similar to the kind of a challenge that a judge faces.

Moreover, as the head of the grand jury section, one is confronted with the duty—the prosecutorial duty, if you will—of ensuring that people are not charged with crimes if there is not substantial evidence to support that. Therefore, for the 2 or 3 years that I ran the grand jury section, I was confronted numerous times every day with the need to be impartial and to evaluate evidence in an impartial manner.

In 1982, I moved to the district court side of the office to the fraud section where, for the past 2 years, I have been prosecuting large-scale white collar crimes. During the years that I have been practicing law in the District of Columbia, I have been active in the D.C. bar, particularly as the chairman of the D.C. Bar's division on courts, lawyers, and the administration of justice.

This division, among other projects, has looked into some of the largest issues facing superior court. We have examined issues such as whether the Federal rules of evidence should be adopted; whether cameras should be allowed in the courtroom and, indeed, we have even looked at the question of whether the selection process for superior court judges should be modified.

I believe that this legal background provides me with the elements necessary hopefully to be a good judge on the superior court.

I have knowledge in both civil and criminal law. I have substantial litigation experience. I have administrative experience as the head of the grand jury section, trying to get people to do what they should, one of the functions of a judge. I have a day-to-day knowledge of superior court, and hopefully, gained in part through my bar activities, also have a broad perspective on superior court.

I hesitate to predict how it would all work out should I be confirmed, but I do believe that my background provides me with the basis to do a good job.

Senator MATHIAS. I have already raised with Mr. diGenova the question of whether you are equipped with judicial temperament. Would either of you like to contravene his testimony on that point? [Laughter.]

Ms. HOLMES. No, sir.

Senator MATHIAS. Then let me ask you one final question. What do you feel about the duties of judges in helping to educate younger lawyers?

Ms. HOLMES. Mr. Chairman, unfortunately, so many of the law schools have young lawyers unprepared to succeed on their own in courtrooms. Most young lawyers, at least when I was coming out of law school, would align themselves with an organization from which they could learn the ropes, because they wouldn't know them.

Now, with the job market for lawyers like it is, many young lawyers come out of law school, hang up a shingle, and go to court. If judges don't take the responsibility, the affirmative responsibility to look out for and guide and train those young lawyers, some of them may never achieve their potential.

Obviously, judges have to remain or maintain a distance from the issues at hand, but if judges can remember that at the same time that the issues are being litigated, the lawyers are being educated, we might produce a bar that is more and more respected by the people.

Senator MATHIAS. Chief Justice Burger has commented that many lawyers never get qualified. That seems to me to be a responsibility of the bench as well as of the bar. The bench often has opportunities to administer a little education.

Of course, a large part of it is in the way it is done, the demeanor of the judge; whether he is castigating the young lawyer for ignorance or whether it is a matter of calling the counsel to the bench and explaining what the point of law at issue is in a patient and understanding way.

Do you want to add anything, Ms. Kramer?

Ms. KRAMER. I would say, Mr. Chairman, that I have been very fortunate in my years at superior court in having many excellent role models in this respect, whose educational abilities were directed right at me as I began being a criminal prosecutor in superior court.

I certainly agree with Ms. Holmes about the distance, and you, Mr. Chairman, about the demeanor and how important it is. But it is a vital role that a judge must play.

Senator MATHIAS. One of the great exemplars of this art is Judge Simon Sobeloff, who held many distinguished posts, including Solicitor General of the United States, chief judge of the Court of Appeals of Maryland, and then chief judge of the District Court of Maryland, and then chief judge of the fourth circuit.

Judge Sobeloff was able to combine a sense of judicial dignity with a sense of humor. I think that was very helpful to the lawyers who practiced in the courts over which he presided.

I thank you both for being here, and congratulate you. I wish you a long and satisfying career on the bench.

Ms. HOLMES. Thank you, Mr. Chairman.

Ms. KRAMER. Thank you.

[Biographical information requested by nominees follows:]

BIOGRAPHICAL AND FINANCIAL INFORMATION OF

SUSAN REBECCA HOLMES

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used)

Susan Rebecca Holmes
Former name by former marriage: Susan R. Holmes Gray

2. Position to which nominated:

Associate Judge of the Superior
Court of the District of Columbia.

3. Date of nomination:

July 17, 1984.

4. Address: (List current place of residence and office addresses.)

1431 Rittenhouse Street, N.W. Washington, D.C. 20011

c/o Office of the United States Attorney
500 Indiana Avenue, Room 5200, N.W. Washington, D.C. 20001.

5. Date and place of birth:

June 13, 1948. East Orange, New Jersey.

6. Marital status: (Include maiden name of wife or husband's name.)

Divorced.

7. Names and ages of children:

Jessica Lee Holmes, 2 years old.

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

James Hillhouse High School	1963-1966	Diploma 1966
University of Pennsylvania	1966-1970	B.A. Mathematics 1970
Boston College Law School	1973-1976	J.D. 1976

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

9-1970 to 8-1972 GENERAL ELECTRIC COMPANY, 40 West Federal Street, West Lynn, Massachusetts. COMPUTER PROGRAMMER/ ANALYST.

8-1972 to 9-1973 ABT ASSOCIATES, INC., (Public Sector Consulting Firm) 55 Wheeler Street, Cambridge, Massachusetts. RESEARCH AND PROGRAM CONSULTANT.

6-1974 to 9-1974 CROSLAND, MYER & RINDSKOPF, (Law Firm) 34 Peachtree Street, Atlanta, Georgia. SUMMER LAW INTERN.

9-1974 to 1-1975 BOSTON COLLEGE LAW SCHOOL, Newton, Massachusetts. WORK-STUDY RESEARCH ASSISTANT.

6-1974 to 9-1975 BOSTON COLLEGE LAW SCHOOL, UNIFORM COMMERCIAL CODE REPORTER DIGEST, Chestnut Hill, Massachusetts. STAFF WRITER.

6-1975 to 9-1975 BOSTON COLLEGE LAW SCHOOL, COUNCIL ON LEGAL EDUCATIONAL OPPORTUNITY (CLEO), Chestnut Hill, Massachusetts. TEACHING ASSISTANT.

6-1975 to 9-1975 BUDD & SHAKUR, (Law Firm) 27 School Street, Boston, Massachusetts. LEGAL INTERN.

9-1976 to 11-1977 LAW OFFICE OF SALIM R. SHAKUR AND SUSAN R. HOLMES. 27 School Street, Boston, Massachusetts. ASSOCIATE ATTORNEY.

1-1978 to 6-1979 UNITED STATES DEPARTMENT OF JUSTICE, CRIMINAL FRAUD DIVISION, 9th and Pennsylvania Avenue, N.W. Washington, D.C. STAFF ATTORNEY.

6-1979 to present OFFICE OF THE UNITED STATES ATTORNEY, 500 Indiana Avenue, N.W. Washington, D.C. ASSISTANT UNITED STATES ATTORNEY.

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

I have held no such positions other than those listed above.

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

President of the Board of Directors - Randolph Mews Condominium Association 1981-1982.

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

District of Columbia Bar Assn. - member 1978 to present
Washington Bar Association - member 1978 to 1979
Massachusetts Bar Association - member 1976 to 1977
American Bar Association - member 1976 to 1977
Judicial Conference (Superior Court) - member 1983, 1984
Shiloh Baptist Church - member since 1980
Black Adoptive Parents, Barker Foundation - member since 1983

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

I am a registered Democrat. I have held no office nor rendered any service to any political party or election committee.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

None.

14. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

1973-1976 - Full scholastic scholarship and stipend awarded by Boston College Law School.

Summer 1975 - Uniform Commercial Code Reporter Digest, Staff Writer. I was selected to join the editorial staff by the supervising professor on the basis of scholastic merit.

1981 - Letter of Commendation, Metropolitan Police Department. I was commended for outstanding service in the Grand Jury Section of the United States Attorney's Office.

1983 and 1984 - Special Achievement Awards, United States Attorney's Office. I was commended twice for outstanding achievement in the Felony Trial Division and in the Felony 1 Division.

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None.

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I have not been specifically informed of the reasons for my nomination by the President. I hope that the President found me not only qualified for the position but also a likely asset to the bench.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

During my professional career as a lawyer, both in private practice and as a federal prosecutor, I have given much attention and thought to identifying those attributes which distinguish good judges from their colleagues. I have determined that several specific skills and qualities are universally found among the most highly respected and qualified on the bench.

One such quality is a strong commitment to the law and its function in our society, combined with a strong commitment to the people whom the laws are intended to serve. I have always had a deep and abiding respect for the law and its purpose to structurally support a free society. I have likewise always felt a fundamental commitment to fairness and equal application of the laws to all people. I believe that one of my strongest qualifications for an appointment to the Superior Court bench is my commitment to the law as a system and the people whom our system supports, regulates, and protects.

Another quality which is most frequently cited by the bar and the community in praise of a judge is a fair, honest, and firm temperament. In any court, and particularly in a high-volume court such as Superior Court, it is crucial that a judge demonstrate to all who appear before him -- lawyers, clients, court personnel, jurors, and the public in general -- that he or she intends to set appropriate limits for proper advocacy and decorum while neutrally permitting the parties to reach a fair and just resolution of the matters at issue. This display of judicious temperament may

do more to foster respect for the law than the outcome of the litigation or the specific court rulings. I have had extensive litigation experience in many courtrooms in Superior Court and have, therefore, been able to witness the effect of judicial temperament on the legal process. Indeed, I have had the pleasure of prosecuting numerous major felony cases before several judges who best exemplify this quality. These examples have prepared me well to assume a similar posture should I be confirmed. In addition, I have discovered that my own temperament, even as an advocate, has been molded by the same principles of fairness, honesty, and firmness. A distinct benefit of extensive litigation has been learning to integrate and balance these qualities with forceful advocacy.

Unquestionably, another necessary attribute of an effective judge is intelligence and knowledge of the law. Judges frequently are called upon to decide legal issues which arise during the course of litigation under the pressure of ongoing proceedings. Without the opportunity to study the issues and prepare a ruling, the judge must often rely upon his working knowledge of the law. A solid legal foundation, therefore, is essential. I consider myself to be intelligent and analytical, with a sound education. My work experiences, admittedly, have been primarily in the criminal law area and less so in the civil area. However, I am satisfied that I am capable of quickly updating my knowledge of civil law such that my legal abilities will be more evenly balanced. Moreover, I am assured by several present members of the bench who were appointed with similar prior professional experiences that extensive trial experience, whether criminal or civil, is the key to developing a balanced knowledge of the law and procedures.

Finally, another attribute which can not be overlooked in an effective judge is his or her ability to manage large caseloads efficiently. By definition of the present increase in the size of the Superior Court bench, more emphasis has to be place on an individual judge's ability and willingness to manage the sheer numbers of cases which are brought to court daily.

Without citing statistics with which this Committee is certainly familiar, I can state that my work in Superior Court has made me acutely aware of the importance of case management and efficiency. To a large extent, certainly with regard to criminal matters, I have personally experienced the crush of cases and the need to handle them expeditiously while maintaining the integrity of each individual law suit. I believe that I have unique qualifications in time management and efficiency since during the last several years I have prepared and prosecuted hundreds of

felony cases. Of the cases which reached final judgment, more than half ended in guilty pleas. I have tried approximately forty felony trials, including approximately fifteen first degree armed murder and rape cases, resulting in convictions in all but two cases. This experience has, thus, enabled me to experience firsthand the rapid turnover of cases, each of which had to be quickly but carefully prepared.

In sum, then, I believe I am qualified for the position of Associate Judge of the Superior Court because I am committed to the laws and the people of the District of Columbia, I have a fair and even temperment, I am intelligent and knowledgeable in the law, and I have the ability to manage my time efficiently.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

I have no such arrangements, agreements, or dealings.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I know of no potential conflicts other than that described in the following answer.

3. Describe any business relationship, dealing or financial transcaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

As an Assistant United States Attorney for the Office of the United States Attorney for the District of Columbia, I have been directly involved in prosecuting misdemeanor and felony cases from 1979 to the present. If confirmed and appointed to the Superior Court bench, my previous involvement with criminal cases in Superior Court could be perceived as conflicting with my duties as a judge in a criminal assignment. Accordingly, I would recuse myself from all cases in which the United States is a party which were pending during my tenure in the office.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

None.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Please refer to my answer in C.3 above.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committeee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Divorce: Husband/Respondent - John Wesley Gray, III. Case No. 92980, Massachusetts Probate Court, October 16, 1975.

Adoption: Child - Jessica Lee Holmes. Case No. A313-83, Superior Court of the District of Columbia, Family Division, October 29, 1982. Final decree, July 28, 1983.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

   No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

   I have no such additional information.

AFFIDAVIT

Susan Rebecca Hume being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

Susan R. Hume

Subscribed and sworn before me this 2nd day of August, 1984.

Connie M. Whitmyer
Notary Public

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. I have been a member of the District of Columbia bar since 1978.

4. If the answer to No. 3 is "No"--

(a) Are you a professor of law in a law school in the District of Columbia?
(b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?
(c) Have you been eligivle for membership in the bar of the District of Columbia for at least 5 years?
(d) Upon what grounds is tht elegibility based?

Not applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the adresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

January 1978 to July 1980 - 4550 Connecticut Avenue #202, NW Washington, D.C. 20008.

July 1980 to September 1983 - 929c Randolph Street, NW Washington, D.C. 20011.

September 1983 to present - 1431 Rittenhouse Street, NW Washington, D.C. 20011.

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Nomination Commission?
No.

9. Have you been a member of either Commission within the last 12 months?

No.

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. **Name:** (Include any former names used.)

   Noel Anketell Kramer
   Maiden name: Alice Noel Anketell

2. **Position to which nominated:**

   Associate Judge of the Superior Court of the District of Columbia

3. **Date of nomination:**

   July 17, 1984

4. **Address:** (List current place of residence and office addresses.)

   Residence: 3049 Ordway Street, N.W.
   Washington, D.C. 20008

   Office: United States Attorney's Office
   United States Courthouse
   Third Street and Constitution Avenue, N.W.
   Washington, D.C. 20001

5. **Date and place of birth:**

   November 22, 1945; Bay City, Michigan

6. **Marital status:** (Include maiden name of wife or husband's name.)

   Married to Franklin David Kramer

7. **Names and ages of children:**

   Katherine Anketell Kramer (Age 7)
   Christopher Anketell Kramer (Age 3)

8. **Education:** List secondary and higher education institutions, dates attended, degree received and date degree granted.

Educational Institution	Dates Attended	Degree Received	Date of Degree
University of Michigan Law School Ann Arbor, Michigan	1968-1971	J.D.	May 1971
Vassar College Poughkeepsie, New York	1963-1967	B.A.	June 1967
Michigan State University East Lansing, Michigan	June 1965 to August 1965	None	N/A
Central High School Bay City, Michigan	1959 to 1963	High School Diploma	June 1963

9. **Employment record:** List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Title/Description	Employer and Address	Dates Employed
Assistant United States Attorney	United States Attorney's Office for the District of Columbia United States Courthouse and District of Columbia Courthouse Washington, D.C.	April 1976 to present
Attorney	Wilmer, Cutler & Pickering 1666 K Street, N.W. Washington, D.C.	Sept. 1971 to April 1976
Summer Associate Attorney	Wilmer, Cutler & Pickering 1666 K Street, N.W. Washington, D.C.	June 1970 to August 1970
Computer Programmer	American Telegraph & Telephone Company 195 Broadway New York, New York	June 1969 to August 1969; August 1967 to August 1968
File Clerk	Temporary Agency (I cannot remember the name)	June 1967 to August 1967

10. **Government experience:** List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None.

11. **Business relationships:** List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None.

12. **Memberships:** List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

Organization and Address	Type	Dates	Office Held
District of Columbia Bar 1426 H Street, N.W. Washington, D.C.	Professional	1972 to Present	(1) Chairman, Steering Committee -- Division IV (Courts, Lawyers and the Administration of Justice) (July 1982 to June 1984). (2) Member, Steering Committee -- Division IV (Courts, Lawyers and the Administration of Justice) (June 1981 to July 1982). (3) Vice Chairman, Committee on Divisions (September 1983 to June 1984). (4) Member, Prepaid Legal Services Committee (April 1983 to present). (5) Member, Legal Ethics Committee (November 1983 to present).
Women's Bar Association 1775 Pennsylvania Avenue, N.W. Suite 1000 Washington, D.C.	Professional	1982 to Present	Member

Organization and Address	Type	Dates	Office Held
American Bar Association 1155 E. Sixtieth Street Chicago, Illinois	Professional	1972 to Present	Member
Women's Legal Defense Fund 2000 P Street, N.W. Suite 400 Washington, D.C.	Professional	1977 (Apx.) to Present	Member
National Organization of Women 5 South Wabash Chicago, Illinois	Women's	1975 to Present	Member
National Women's Political Caucus 1921 Pennsylvania Avenue, N.W. Washington, D.C.	Women's Political Organization	1975 to 1977 (Apx.)	Member
University of Michigan Law School Club of Washington, D.C. (No address)	Alumni	1974 to Present	President (1976-1978)
Vassar Club of Washington, D.C. 1479 Chain Bridge Road McLean, Virginia	Alumni	1975 to Present	Member
University of Michigan Women Law Students Association University of Michigan Law School Ann Arbor, Michigan	Student Organization	1969 to 1971	President (1970-1971)

13. **Political affiliations and activities:**

(a) List all offices with a politicial party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50 or more for the past 10 years.

None.

14. **Honors and awards:** List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

In June 1984, Division IV (Courts, Lawyers, and the Administration of Justice) of the District of Columbia Bar was honored for the Bar year 1983-1984 for the best project produced by a Division -- a comparison of the Federal Rules of Evidence with the evidentiary law now applicable in the Superior Court of the District of Columbia. It was also honored as one of the two best Divisions of the D.C. Bar. In June 1983, Division IV was honored for the Bar year 1982-1983 as one of the two best Bar Divisions, both overall and for its study of the selection procedures for local judges in the District of Columbia. While those awards resulted from the work of many individual members of the Division, I nonetheless was honored that the Division of which I was the Chairperson had received this recognition.

In 1980, I received a Special Achievement Award from the United States Attorney's Office for outstanding trial ability.

In 1971, I graduated from the University of Michigan Law School with honors. In my second year of law school, I was selected to serve on the staff of the Michigan Law Review. In my third year of law school, I was selected to be a Note and Comment Editor on the Law Review, with primary responsibility for issues concerning constitutional and criminal law.

In 1967, I graduated from Vassar College with honors.

15. **Published writings:** List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

None, other than my work on the Michigan Law Review.

16. **Speeches:** Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None.

17. **Selection:**

(a) Do you know why you were chosen for this nomination by the President?

I have no personal knowledge of why I was chosen for this nomintion by the President.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I began practicing law in the District of Columbia thirteen years ago at the law firm of Wilmer, Cutler & Pickering. During my four and a half years there, I acquired a wide knowledge of civil law and a thorough grounding in civil litigation through representation of clients in the federal courts. I joined the United States Attorney's Office in 1976 and for the next six years practiced on a daily basis in Superior Court. In the first three years, I tried numerous criminal cases and argued a number of cases before the D.C. Court of Appeals. I then became a supervisor in the Superior Court Grand Jury Section of the Office, first as Deputy Chief for one year, then as Chief for two years. In June 1980, I transferred to the Fraud Section of the Office in District Court and have since handled large-scale white-collar criminal investigations. In the past few years, I have also devoted a substantial amount of energy to activities within the District of Columbia Bar, particularly as the Chairman of a Bar Division with a broad mandate to examine issues which concern courts, lawyers, and the administration of justice.

This professional background has provided me with a solid knowledge of civil and criminal law.

It also has provided me with a thorough understanding of courtroom procedure and evidentiary issues. Moreover, my six years in Superior Court, as well as my outside professional activities, have provided me with substantial insights into the technical workings of the Court. Such knowledge would appear basic to effective operation as a Superior Court judge.

I believe my experience has also given me insights into the roles played by various parties involved in litigation. I am aware of many of the problems faced by attorneys both inside and outside the courtroom, including those from both large and small firms, those who are experienced and those who are inexperienced. Having dealt with literally hundreds of victims and witnesses who come before the Court, I am aware of and sympathetic to the disruptions and fears that litigation can engender. I am also aware of the difficulties of jurors, who frequently perform public service at substantial personal sacrifice. With respect to criminal defendants, I have the perspective of one whose experience includes both interviewing first time offenders for potential criminal diversion programs and trying violent recidivist offenders. With respect to the role of judges, I have not only shared their problems in a courtroom setting, but, as the head of the grand jury section, also confronted the challenge of ensuring justice within the framework of a large caseload and limited resources. Finally, through my professional activities, as well as my employment, I have studied current issues of substantial concern facing Superior Court, such as whether to adopt the Federal Rules of Evidence or whether to allow cameras in the courtroom.

I believe that my employment experience and professional background, set forth above, affirmatively qualify me for appointment as an Associate Judge of Superior Court.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

   Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

   No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

   None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   My position as an Assistant United States Attorney could potentially create a conflict of interest with respect to matters coming before me as an Associate Judge of Superior Court.

   My husband is an attorney and a partner at the Washington, D.C. law firm of Shea and Gardner. Although

he and his firm rarely handle matters in Superior Court, it is possible that a conflict of interest could arise out of that situation.

A potential conflict of interest could also arise out of my ownership of various stocks and bonds.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None that I can think of.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

As Chairman of Division IV (Courts, Lawyers, and the Administration of Justice) of the District of Columbia Bar, I have had responsibility for the issuance of public statements on a number of issues concerning legislation or affecting the administration of law or public policy and on one occasion testified before a subcommittee of the United States House of Representatives. Following is a list of the significant public statements issued while I was Chairman of Division IV:

(1.) Report of the Committee on Cameras in the Courts of Division IV of the District of Columbia Bar.

Made public June 1984.

(2.) Report of the Committee on Court Rules of Division IV of the District of Columbia Bar Proposing Rules of Evidence for the Superior Court Based on the Federal Rules of Evidence.

Submitted to D.C. Court of Appeals February 14, 1984.

(3.) Testified before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee on the Judiciary of the U.S.

House of Representatives on November 10, 1983.

Testimony concerned H.R. 968 and H.R. 1970 to remove the Supreme Court's mandatory jurisdiction and to establish an Intercircuit Tribunal for a 5-year experimental period.

(4.) Comments of the Committee on Court Rules of Division IV, District of Columbia Bar, on Proposed Amendments to Rule 46-I(c)(3) of the District of Columbia Court of Appeals (Admission of Attorneys By Motion).

Submitted to D.C. Court of Appeals July 25, 1983.

(5.) Position Paper of the Legislation Committee, Division IV, D.C. Bar, Regarding Titles I and VI of S. 645, A Bill to Establish an Intercircuit Tribunal and for Other Purposes.

Sent to Subcommittee on Courts of the House and Senate Judiciary Committees in July 1983.

(6.) Report of the Legislation Committee of Division IV, District of Columbia Bar, on the Nomination of Judges for the District of Columbia Courts.

Sent to all Members of the Subcommittee on Governmental Efficiency and the District of Columbia in May 1983.

(7.) Report of the Committee on Court Rules of Division IV, District of Columbia Bar, regarding Proposal for New Local Rules for the U.S. District Court for the District of Columbia.

Submitted to the Advisory Committee on District Court Rules October 28, 1982.

(8.) Position Paper of the Legislation Committee of Division IV, District of Columbia Bar, regarding S. 2419, A Bill

to Change the Venue Requirements for Suits Against the United States.

Submitted to all members of the House and Senate Committees on the Judiciary December 20, 1982.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

If confirmed and appointed a judge of the D.C. Superior Court, I will not handle any criminal case involving the United States which is pending in Superior Court prior to the date of my appointment, or any case later filed in which I was personally and substantially involved. I would also not handle any matter where a party was represented by my husband's firm. With respect to matters involving a company in which I have a business investment, I would make that investment known to the parties and invite a motion for recusal.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

SUPPLEMENT FOR D.C. JUDGE NOMINEES

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes. Member since 1972.

4. If the answer to No. 3 is "No" --

Not applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes.

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

3049 Ordway Street, N.W.
Washington, D.C. 20008
June 1983 to present

6209 Goldsboro Road
Bethesda, Maryland 20817
June 1976 to June 1983

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months.

No.

AFFIDAVIT

Noel Anketell Kramer, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

Noel Anketell Kramer

Subscribed and sworn before me this 6th day of August 1984.

Debra L Markey
Notary Public

Comm Exp. 2/14/88

Senator MATHIAS. Our third panel, Mr. Robert Richter, Mr. Robert Tignor. I would like to invite Mr. Gerald McDowell, chief of the Public Integrity Section of the U.S. Department of Justice to come to the table with them.

I would ask the nominees to stand and raise your right hands.

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF GERALD E. McDOWELL, CHIEF, PUBLIC INTEGRITY SECTION, U.S. DEPARTMENT OF JUSTICE; ROBERT I. RICHTER AND ROBERT S. TIGNOR, NOMINEES TO BE ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. RICHTER. I do.

Mr. TIGNOR. I do.

Senator MATHIAS. Mr. McDowell, would you like to introduce these nominees?

Mr. MCDOWELL. Thank you, Mr. Chairman. It is my honor to come here today to introduce to you two excellent lawyers of the District of Columbia who have been my colleagues in the 4 years that I have been Chief of the Public Integrity Section. I think they both have outstanding characteristics to justify the nomination by the President to be associate judges of the superior court. Their intelligence, their legal maturity, and their fairness have made it a pleasure to work with them for the past 4 years, and I think it will foreshadow an outstanding career if the Senate confirms their nominations to be associate judges of the superior court.

Mr. Tignor, Robert Tignor, who has been a senior attorney in my section for the past 5 years, is a native of the District of Columbia who was educated in the District of Columbia schools, graduated from Howard University, was a member of the law review of the George Washington University.

He has had an outstanding legal career in the Department of Justice, in the civil and criminal divisions. He has been an assistant U.S. attorney here in the District of Columbia, has practiced many times in the superior court.

He has been an assistant U.S. attorney in the Virgin Islands. He has practiced privately in the District of Columbia. For 5 years, he has been a senior trial attorney in the Public Integrity Section.

Mr. Robert Richter, who is presently Assistant Chief for Operations in my section, is a native of New York City, graduated Phi Beta Kappa from the University of Vermont; graduated first in his class from the University of Chicago Law School, where he was an editor of the law review.

After graduation from law school, he clerked for Judge Goldberg in the fifth circuit and was a clerk for Justice Blackmun in the U.S. Supreme Court.

After practicing privately with a law firm here in the District, he was an assistant U.S. attorney for the District of Columbia with extensive experience trying felony and misdemeanor cases in superior court, and for the past 6 years has been Assistant Chief for Operations in my section.

It has been a pleasure working with both of these gentlemen. I have had an opportunity to work personally and closely with both of them on a number of very difficult matters at the Department of Justice. I have been impressed by their intelligence, the maturity with which they approach legal problems and the sense of fairness that both of them have exhibited. I can't think of any finer lawyers that the President could have nominated to the superior court.

I recommend them to this committee and to the Senate. Thank you very much for the opportunity to come here this morning, Mr. Chairman.

Senator MATHIAS. Thank you for taking the time to come to testify on their behalf and to introduce them to the committee.

You would feel, I judge from your testimony, that they are equipped not only with the professional skills but with judicial temperament?

Mr. MCDOWELL. Exactly so, Mr. Chairman. I have had the chance to observe their thinking processes and their decisionmaking processes, and if the way they acted in private with me is any indication of how they would act as judges, I think the District of Columbia would be indeed fortunate to have two lawyers who would exhibit fairness and justice as judges of the superior court.

Senator MATHIAS. That is very reassuring testimony. I'm sure that the committee will value it and give it a very high degree of importance in our consideration of these nominations.

Mr. MCDOWELL. Thank you, Mr. Chairman.

Senator MATHIAS. Thank you.

Gentlemen, let me ask you some of the questions that I asked the other nominees this morning. Is there anything in your personal or professional background that would present a conflict of interest with the duties of a judge?

Mr. RICHTER. No, sir.

Mr. TIGNOR. No, Mr. Chairman, there is not.

Senator MATHIAS. Do you know of any personal or other reason that would in any way prevent you from fully and honorably discharging your responsibilities as a judge?

Mr. RICHTER. No, Mr. Chairman.

Mr. TIGNOR. None.

Senator MATHIAS. If you are confirmed by the Senate, would it be your intention insofar as human beings can look into the future, to serve the full 15-year term on the bench?

Mr. RICHTER. That would be my intention, sir.

Mr. TIGNOR. That would be my intention, also.

Senator MATHIAS. Have either of you ever been involved in civil litigation or administrative or legislative proceedings of any kind as plaintiff, defendant, respondent, witness, or party in interest which would be directly related to the court to which you have been nominated to serve?

Mr. RICHTER. I cannot think of any such proceeding, sir.

Mr. TIGNOR. I have not been; no, sir.

Senator MATHIAS. Have you or any member of your immediate family ever been involved in any controversy or litigation with tax authorities of the Federal Government or District of Columbia or State or local government?

Mr. RICHTER. No, Mr. Chairman.

Mr. TIGNOR. No, Mr. Chairman.

Senator MATHIAS. How would you propose to resolve any potential conflict of interest that might arise during your tenure?

Mr. RICHTER. Well, fortunately, Mr. Chairman, I am not aware of anything in either my professional, personal or financial life at present or in the past that would readily create a conflict of interest. The office that I am in and Mr. Tignor is in does not litigate in superior court. It litigates exclusively in Federal court, and I am not aware of any other close connection I would have with anybody that would be litigating in superior court.

I would, whenever I see something that could create the appearance of a conflict, raise that with the parties before me, and if any counsel moved for recusal, I would consider on the merits whether or not it would be appropriate.

Senator MATHIAS. Mr. Tignor?

Mr. TIGNOR. Mr. Chairman, like Mr. Richter, the nature of my legal activities during the past 5 years does not really suggest any likelihood of conflicts. However, if such circumstances arose, certainly, I would immediately disclose them to the litigants and provide an opportunity for recusal motions to be heard. I would then act accordingly on any such motions.

Senator MATHIAS. In other words, you see that there is a duty on the part of a judge to take the initiative in disclosure that might lead to a motion to recusal?

Mr. TIGNOR. Yes, Mr. Chairman.

Senator MATHIAS. Would you agree with that, Mr. Richter?

Mr. RICHTER. Very much so. I think it is a luxury, one of the few, possibly, in such a busy court, that there are so many judges and that by recusing yourself, you are not leaving a party without a judge, as might happen, say, in the Supreme Court of the United States. I think that since there is such a ready avenue in recusal situations, there is absolutely no reason why judges should not consider it in every appropriate matter.

Senator MATHIAS. Mr. McDowell has already told us a little bit about each of your professional backgrounds. Is there anything that you would like to add which, in your judgment, qualifies you to sit as a judge on the superior court?

Mr. RICHTER. I believe that the experiential qualities and my legal abilities are set forth fairly well, in terms of what Mr. McDowell said, in the questionnaire I filled out for the committee.

The kinds of things that probably do not appear on the questionnaire is the strong commitment I feel I have to the administration of justice, the strong commitment, particularly for the administration of justice in the District of Columbia. I feel that I am very well motivated to do a good job, to work hard on the superior court. I believe I would have an excellent judicial temperament in terms of dealing fairly with all parties that appear before me.

Mr. TIGNOR. Mr. Chairman, I have little to add apart from what is set forth in my responses to the committee's questionnaire, except that I have had a substantial amount of litigative experience, not only in the superior court, but in its predecessor, the Court of General Sessions, as well as in the Federal District Court for the District of Columbia, and in other Federal district courts.

Coupled with that, I have a longstanding and very sincere interest in the well-being of the District of Columbia community and I would hope that those two factors would enable me to very effectively serve as an associate judge.

Senator MATHIAS. Both of you referred to your litigation experience. Does that enhance your confidence in being able to discharge the duties of a judge?

Mr. RICHTER. Very much so, Senator. I think particularly in a trial judge that litigation experience is essential in terms of having confidence during your first couple of years on the bench.

Basically, what you are doing is refereeing trials. One thing that practitioners learn is there is no way to really learn the trial process except to be a party in it.

I think I can say confidently that I would not have confidence had I not had extensive trial experience.

Senator MATHIAS. I would share that feeling, and I think it is a strong prerequisite for any judge, because the creativity of counsel is infinite, and unless you have spent a good many years and gone to a good many trials, you simply will not understand the resourcefulness of litigants. And whether you are sitting in a trial court or an appellate court, that experience is invaluable.

Would you like to add anything, Mr. Tignor?

Mr. TIGNOR. Certainly, litigative experience, if not absolutely essential, is a very important factor that contributes to one's confidence in a judicial position.

Senator MATHIAS. It is a long way from Lord Nelson to the superior court, but one of Lord Nelson's endearing qualities as an admiral in the British Navy was that he spent lots of time with the midshipmen. He was constantly sitting with them, instructing them in the art of navigation, the art of seamanship.

Do you feel that judges have a responsibility to take younger members of the profession under their wing and attempt the educative role? Mr. Tignor?

Mr. TIGNOR. I do, Mr. Chairman. I feel fortunate in that my initial exposure to litigation and to the practice of law was within a setting that instilled and confirmed very important ideas of judicial ethics, legal ethics, and the proper function of the courts in our community and in our country.

I consider myself fortunate in that each time I have worked as a prosecutor, whether as an assistant U.S. attorney or as a trial attorney within the Department of Justice, my colleagues were individuals who had very ethical ideas as to the prosecutorial function and the role of a Government attorney.

Likewise, when I appeared in court, I had the good fortune to appear before many judges who were excellent examples themselves and who always stressed the importance of ethical considerations.

I might also add that in each instance, the trial courts were guided by appellate courts which were very concerned about legal ethics, and the duties of prosecutors and defense attorneys. And so I think I have benefited from a very positive environment in the courts I have appeared before, and I would certainly hope to provide that some type of environment for attorneys, particularly new attorneys, who might appear before me if I am confirmed.

Senator MATHIAS. I recall my own experience before two judges, one of whom I will not mention by name, but who was irascible and contentious and tried to humiliate young lawyers. The other, who I will name, Judge Prescott, presided over the circuit court in Rockville, and was approachable, patient, easy with young lawyers, made the attempt to understand what they were trying to do and to correct them when they were wrong.

I remember he once said to me, "Well, now, Mr. Mathias, that's an innovative point of law that I have never heard of before." And I soon understood what he was getting at.

But the difference in the approach was so great: with one, you appreciated the guidance, and the other, you shrank from the kind of lash that the judge applied. My memories of the two are very different.

What about this question of judicial temperament? Do each of you feel that you are endowed with that somewhat indefinable quality?

Mr. RICHTER. I think while it is indefinable, it probably is similar to what Justice Stewart used in a different context: that you know it when you see it. I think you could probably develop a strong consensus as to which judges, say, on superior court have good judicial temperament and which do not.

I think that it is the ability to do the job well and fairly and to have everybody in the courtroom, including the litigants, the jurors, and counsel, also think the job is being done fairly. Often, there is a strong distinction between the two. I think to have good judicial temperament, you have to both do the job well and fairly and to have people in the courtroom think you are doing it well and fairly.

Mr. TIGNOR. I cannot add very much to what has been said about judicial temperament here this morning. I agree with all of it. I have appeared before a number of judges in superior court, in Federal court here in the District of Columbia, and in other Federal courts, who conveyed the impression to others in the courtroom, that no matter how many cases they heard on a particular day and how unimportant and insignificant some of the issues might have seemed to an outsider, that every one of those cases, every litigant, every party was important and significant to the court, and every case deserved all of the court's resources to resolve fairly and objectively.

As Mr. Richter says, while it is hard to define or to enumerate all of the components of good judicial temperament, you know it when you see it. When I appeared in the courts of certain judges, I knew it was there, and I would hope to convey the same impression to those who appear before me.

Senator MATHIAS. In other words, the recognition on the part of the judge that although the matter at issue may be small potatoes on the scale of human events, that it is the center of the universe as far as those parties are concerned.

Mr. TIGNOR. That is correct, Mr. Chairman.

Senator MATHIAS. I think that is right.

I congratulate each of you on the nomination. I anticipate that the Senate will act promptly, and I hope favorably, and I hope that you will have many years of satisfying and fulfilling judicial service. Thank you very much.

Mr. RICHTER. Thank you, Mr. Chairman.

Mr. TIGNOR. Thank you.

Senator MATHIAS. That completes the three panels of nominees. I want to repeat my congratulations to each of the nominees. I see some of you have your families here. I am glad they could be here to participate in this morning's proceedings. I hope that they will also have some satisfaction in the President's evidence of confidence in you, as he has nominated you for this important post.

I can't give you any precise prediction as to when the Senate will act. The Senate is a very unpredictable body, but we have until about October 5 to complete this job, and I think it can be done during that period of time. We will have a very prompt report from this committee to the full Senate, and I am hopeful that Senator Baker, the majority leader, will find the time to go to the Executive Calendar and seek the confirmation of the Senate.

I repeat what I said in my opening statement, that I am encouraged by the fact that Senator Eagleton is making every effort to see that these nominations do not run into the kind of normal election year roadblock which occurs on many judicial nominations.

[Biographical information requested of nominees follows:]

ROBERT I. RICHTER

Questionnaire Submitted to
SENATE GOVERNMENTAL AFFAIRS COMMITTEE

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL INFORMATION

1. Name:
Robert Isaac Richter

2. Position:

Associate Judge of the Superior Court of the District of Columbia

3. Date of Nomination:

July 23, 1984

4. Address:

Home: 3352 Tennyson Street, N.W.
Washington, D.C. 20015

Office: 315 9th Street, N.W. Room 420
Washington, D.C. 20530

5. Date and Place of Birth:

June 26, 1947, New York, New York

6. Marital Status:

Married to Linda Kay Davis

7. Names and Ages of Children:

David Newell Richter -- Age 5
Charles Davis Richter -- Age 2
Another child is expected in early September

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Great Neck South Senior High School, 1962 - 1965
Great Neck, New York -- Diploma 1965

University of Vermont, 1965 - 1969
Burlington, Vermont
B.A., Magna Cum Laude, 1969

University of Chicago Law School, 1969 - 1972
Chicago, Illinois
J.D., Cum Laude, 1972

9. Employment Record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment

October 1978 - Present	Assistant Chief for Operations Public Integrity Section Criminal Division United States Department of Justice 315 9th Street, N.W. Washington, D.C. 20530
August 1975 - October 1978	Assistant United States Attorney Washington, D.C.
September 1974 - June 1975	Associate Shea & Gardner 1800 Massachusetts Avenue, N.W. Washington, D.C. 20005
July 1973 - August 1974	Law Clerk to Justice Harry A. Blackmun Supreme Court of the United States Washington, D.C. 20543
August 1972 - July 1973	Law Clerk to Judge Irving L. Goldberg United States Court of Appeals for the Fifth Circuit 1100 Commerce Street Dallas, Texas 75202
June - August 1971	Summer Associate Debevoise, Plimpton, Lyons & Gates 299 Park Avenue New York, New York 10010
June - August 1970	Staff Assistant Queens Legal Services (OEO) Jamaica, New York

10. Government Experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

None

11. Business Relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, respresentative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

D.C. Bar
Assistants United States Attorney's Association (D.C.)

13. Political Affiliations and Activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Registered Democratic -- No political involvement at any time, of any sort.

(c) Itemize all political contributions to any individual, campaign organizations, political party, political action committee, or similar entity of $50 or more for the past 10 years.

None

14. Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

Department of Justice -- Special Commendations 1980, 1982

Law School -- National Honor Scholarship (three years),
Law Review -- Comment Editor,
Order of the Coif

College -- Phi Beta Kappa,
History Honor Society - President

15. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Law Review Article -- "School Desegregation after Swann: A Theory of Government Responsibility" 39 U. Chicago Law Review 421 (1972)

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None

17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I was nominated by D.C. Judicial Nomination Commission. I have no knowledge as to the specific reasons for my selection by the President.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Trial experience, mostly in Superior Court, Administrative and management experience, strong legal and academic background from both law school and clerkships, a strong interest in the effective and fair administration of justice in the District of Columbia.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

None

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public office.

As an attorney in the Public Integrity Section of the Department of Justice, I have provided assistance in formulating and presenting the Department's position on several pieces of legislation. The areas in which I have been most active have been amendments to the Independent

Counsel Provisions of the Ethics in Government Act of 1978, 28 USC §591 et seq. and the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 USC §§ 331, 332, 372, 604.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Recusal

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No

2. Have you ever been investigated, arrested, charged or held by any Federal, State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

No

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No

9. Have you been a member of either Commission within the last 12 months?

No

AFFIDAVIT

Robert I. Richter being duly sworn, hereby states that he/~~she~~ has read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/~~her~~ knowledge, current, accurate, and complete.

Robert I. Richter

Subscribed and sworn before me this 2nd day of August, 1984

Notary Public.

My Commission Expires September 15, 1988

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURES ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

   Yes

2. Are you a member of the bar of the District of Columbia?

   Yes

3. Have you been a member of the District of Columbia bar for at least 5 years?

   Yes, Admitted 1974

4. N/A

5. Are you a bona fide resident of the District of Columbia?

   Yes

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

   3352 Tennyson Street, N.W.
   Washington, D.C. 20015 -- since June 1979

7. Have you maintained an actual place of abode in such area for at least 5 years?

   Yes

STATEMENT ON BIOGRAPHICAL AND FINANCIAL INFORMATION

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)

Robert Samuel Tignor

2. Position to which nominated:

Associate Judge of the Superior Court of the District of Columbia

3. Date of Nomination:

July 23, 1984

4. Address: (list current place of residence and office addresses.)

Home- 1522 Allison Street N.W.
Washington D.C. 20011

Office- Criminal Division
United States Department of Justice
Washington D.C. 20530

5. Date and place of birth:

February 27, 1944, Washington D.C.

6. Marital status: (Include maiden name of wife or husband's name.)

Married, Diana L. Tignor nee Martin

7. Names and Ages of children:

Sophia, 17 years
Kimberly, 5 years
Dana, 3 years

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree received.

George Washington University Law School	September,1965 to June,1968	J.D. with honors June, 1968
Howard University	September,1961 to June,1965	B.A.
Roosevelt High School Washington D.C.	September,1958 to June,1961	
Banneker Jr. High Washington D.C.	September,1955 to June,1958	

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

Trial Attorney Criminal Division	U.S. Department of Justice Washington D.C.20530	2/79 to present
Assistant United States Attorney for Virgin Islands	U.S. Attorney's Office St. Croix, U.S.Virgin Islands	11/77 to 2/79
Attorney- private practice	Self employed 1019 22nd Street N.W. Washington D.C.	10/75 to 11/77
Attorney (associate)	Ruckelshaus, Beveridge & Fairbanks Washington D.C, 20006	11/74 to 9/75
Assistant United States Attorney for Virgin Islands	U.S. Attorney's Office St. Thomas, U.S.Virgin Islands	11/73 to 11/74
Assistant United States Attorney for District of Columbia	U.S. Attorney's Office Washington D.C.	12/69 to 11/73
Law Clerk & Trial Attorney Civil Division	U.S. Department of Justice Washington D.C.20530	10/68 to 11/69
Ranger (seasonal)	National Park Service Cape Cod National Seashore S.Wellfleet, Massachusetts	6/68 to 9/68

10. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Law Clerk	District of Columbia Department of Public Safety Washington D.C.	4/68 to 6/68
Law Clerk	U.S. Office of Economic Opportunity Washington D.C.	3/67 to 6/67
Clerk	District of Columbia Public Library	11/61 to 11/64

11. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

None

12. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic, business, charitable and other organizations.

District of Columbia Bar
Washington Bar Association
National Bar Association
Washington Urban League - former member of Board of Directors
World Conference on Peace Through Law
Washington Bar Association - Chairman, Cedar Knolls Committee
American Bar Association
Delta Theta Phi Law Fraternity
YMCA - member, Board of Directors
Crestwood Civic Association

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

None, except am registered Democratic

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of $50.00 or more for the past ten years.

1982 - Committee to Re-Elect Arrington Dixon- $100.00

1978 - Committee to Elect Julio A. Brady- $ 65.00

14. Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

George Washington University Law Review

Dean's Scholarship Fund recipient during final year of law school

15. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written:

Co-authored casenote titled, Federal Jurisdiction - Diversity of Citizenship- Groninger v. Davison, 364 F.2d 638 (8th Cir. 1966); 35 Geo. Wash. Law Rev. 408 (October, 1966).

16. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated.

None

17. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I have no specific knowlege as to why I was nominated however it is my belief that I was nominated simply because I was considered to be well qualified for this position.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Over the past fifteen years I have had broad and intensive litigation experience much of which involved cases before the Superior Court of the District of Columbia, the District of Columbia Court of Appeals, the U.S. District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia. I have served as counsel in hundreds of criminal cases as well as in a much smaller number c civil cases. I have briefed and argued many cases before the District of Columbia Court of Appeals and the United States Courts of Appeal for the District of Columbia Circuit and the Third Circuit. I have litigated civil and criminal cases as a Department of Justice attorney and as a private practitioner.

I believe that my litigative experience coupled with my long-standing concern for the District of Columbia community and a strong academic foundation are factors which affirmatively qualify me for this appointment.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to persue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

   No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

   No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

   Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

   None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

   None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

   None.

4. Describe any activity during the past ten years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

   None.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (please provide a copy of any trust or other agreements.)

   Immediate disclosure and recusal if appropriate.

6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

I have never been so disciplined or cited however I have had prosecutive responsibility in a matter wherein the investigative target, through her attorney, sought my recusal and appealed my supervisor's initial denial of her request to the Justice Department's Office of Professional Responsibility (hereafter "OPR").

By letter of December 5, 1983, Mr. Mitchell Rogovin, an attorney with offices at 1730 Rhode Island Avenue N.W., Washington, D.C. , asked me to "recuse" myself from prosecutive responsibility in an investigation of his client citing (1) my friendship with a potential witness who was a former United States Attorney under whom I had worked and (2) my sister-in-law's employment by a congressman against whom the investigative target planned to run for office. Both these circumstances had been raised by me with my supervisors long before Mr. Rogovin's request and it had been decided that reassignment of the case was not warranted. Upon being informed of this initial decision not to reassign the case, Mr. Rogovin, by letter dated February 10, 1984, appealed to OPR, again asking that the case be reassigned. Mr. Rogovin's letter of February 10th states in part,

> In seeking Mr. Tignor's recusal, I wish to reiterate that there is absolutely nothing that I am aware of that reflects adversely upon Mr. Tignor's integrity, fitness or character. Having dealt professionally with Mr. Tignor in another case, I, like Mr. Hendricks, do not question his integrity in the slightest.

Nevertheless, in a very broad sense, Mr. Rogovin's letter of February 10th might be characterized as a "complaint" to an "administrative agency".

OPR concluded that my actions in this matter were "wholly proper" and at my request set forth its findings in a letter dated May 2, 1984, to the District of Columbia Judicial Nomination Commission, a copy of which is attached hereto as a supplement to my response.

2. Have you ever been investigated, arrested, charged or held by any Federal State, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense?

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation?

No.

4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

F. QUESTIONS CONCERNING STATUTORY QUALIFICATIONS PURSUANT TO DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970, SEC. 11-1501(b) OF THE D.C. CODE AS AMENDED

1. Are you a citizen of the United States?

Yes.

2. Are you a member of the bar of the District of Columbia?

Yes.

3. Have you been a member of the District of Columbia bar for at least 5 years? (Give year in which you became a member.)

Yes, since 1969.

4. If the answer to No. 3 is "No"-
   (a) Are you a professor of law in a law school in the District of Columbia?
   (b) Are you an attorney employed in the District of Columbia by the United States or the District of Columbia?
   (c) Have you been eligible for membership in the bar of the District of Columbia for at least 5 years?
   (d) Upon what grounds is that eligibility based?

Not applicable.

5. Are you a bona fide resident of the District of Columbia?

Yes

6. Please state the addresses of your actual places of abode (including temporary residences) with dates of occupancy for the last 5 years.

February, 1979 to December, 1980:

4324 18th Street N.W., Washington D.C. 20011

December, 1980 to present:
1522 Allison Street N.W., Washington D.C. 20011

7. Have you maintained an actual place of abode in such area for at least 5 years?

Yes.

8. Are you a member of the District of Columbia Commission on Judicial Disabilities and Tenure or the District of Columbia Judicial Nomination Commission?

No.

9. Have you been a member of either Commission within the last 12 months?

No.

AFFIDAVIT

Robert S. Tignor, being duly sworn, hereby states that he has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowlege, current, accurate, and complete.

Robert S. Tignor

Subscribed and sworn before me this 6th day of August, 1984.

Notary Public

My Commission Expires September 15, 1988

Senator MATHIAS. The hearing is over and the committee will now adjourn.

(Whereupon, at 10:30 p.m., the committee adjourned to reconvene at the call of the Chair.)

O